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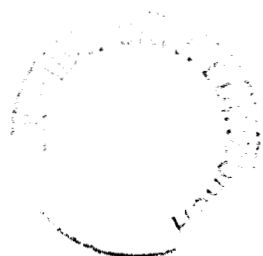
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**Yoked to the Plough;  
Male Convict Labour, Culture and Resistance in Rural Van Diemen's  
Land, 1820-40.**

**Bruce Hindmarsh**

**A Thesis Submitted for the  
Degree of Doctor of Philosophy (Ph.D).**

**University of Edinburgh  
April 2001**



**I confirm that this thesis is my own work  
and has been compiled by me.**

A handwritten signature in black ink, reading "Bruce Hindmarsh". The signature is written in a cursive, slightly slanted style.

**Bruce Hindmarsh**

Material used in this thesis has been published in the following articles and chapters:  
B. Hindmarsh, "‘Though I knew hunger would compel me to eat it’; convict diet in rural Australia", in R. Dare (ed.), *Food, Power and Community* (Adelaide, Wakefield Press, 1999); B. Hindmarsh, "Scorched Earth: Contested Power and Divided Loyalties on Midlands Properties, 1820-40", *Tasmanian Historical Studies*, 6 (1999); B. Hindmarsh, "Beer and Fighting: Some Aspects of Male Convict Leisure in Van Diemen’s Land", *Journal of Australian Studies*, 63 (2000); H. Maxwell-Stewart and B. Hindmarsh, "‘This is the bird that never flew’: William Stewart, Major Donald McLeod and the *Launceston Advertiser*", *Journal of Australian Colonial History*, 2 (2000); B. Hindmarsh, "Wherever I go I whill wright to you", in L. Frost and H. Maxwell-Stewart (eds.), *Chain Letters; Narrating Convict Lives* (Carlton, Melbourne University Press, 2001).

## **Abstract**

This thesis is a study of assigned male convict labour in rural Van Diemen's Land in the period 1820-40. Throughout this period agriculture and pastoralism were central to the colonial economy, and this sector was the largest private employer of convict labour, yet there has been no prior sustained investigation of the nature and experience of rural convict employment in Van Diemen's Land. Research has involved use of records of convict transportation, the records of the convict department, colonial court records, and the correspondence of the colonial secretary's office. Extensive use has also been made of the colonial press, published contemporary accounts, and unpublished journals of colonists.

The thesis begins with a discussion of two oppositional representations of rural convict labour: John Glover's painting 'My Harvest Home', and the ballad 'Van Diemen's Land'. These representations demonstrate the polarised debate on the nature of convict labour. Rural convicts have been largely neglected in the recent historiography of convict transportation; this thesis argues that this neglect is unwarranted, and that rural convict labour resists reductionist understandings of convict labour.

Chapter 1 examines farming in the colony, demonstrating the importance and vitality of this sector of the economy. Chapters 2-4 discuss convict assignment, management, and convict responses. It is argued that assignment effectively placed those with experience of farm work with rural employers. Convicts' skills are seen to have been relevant and useful to the rural economy. The management of convict servants operated both formally at the level of the Convict Department regulations and the magistrates bench, and informally on individual properties. Informal management best utilised incentives rather than force. Thus convicts were able to negotiate the authority of their employers through various means, including resistance. Chapters 5-7 discuss the convict experience of rural labour. Material conditions of diet, housing and clothing are examined in chapter 5. Convict recreational culture is investigated in chapter 6; it is argued that convicts created an important site of autonomy in this form. The intimate lives of convict men are discussed in chapter 7. Often seen as brutal and brutalising, it is argued that these relationships were important and meaningful sites in male convict experience.



### **Acknowledgements**

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Illustrations reproduced in this thesis appear courtesy of the Tasmanian Museum and Art Gallery, Hobart and the National Library of Australia, Canberra. For permission to use works in their collections and their co-operation in supplying the images I am grateful. David Hansen, of the Tasmanian Museum and Art Gallery, shared his understanding of and ideas on the work of John Glover which provided useful directions in my own study of them.

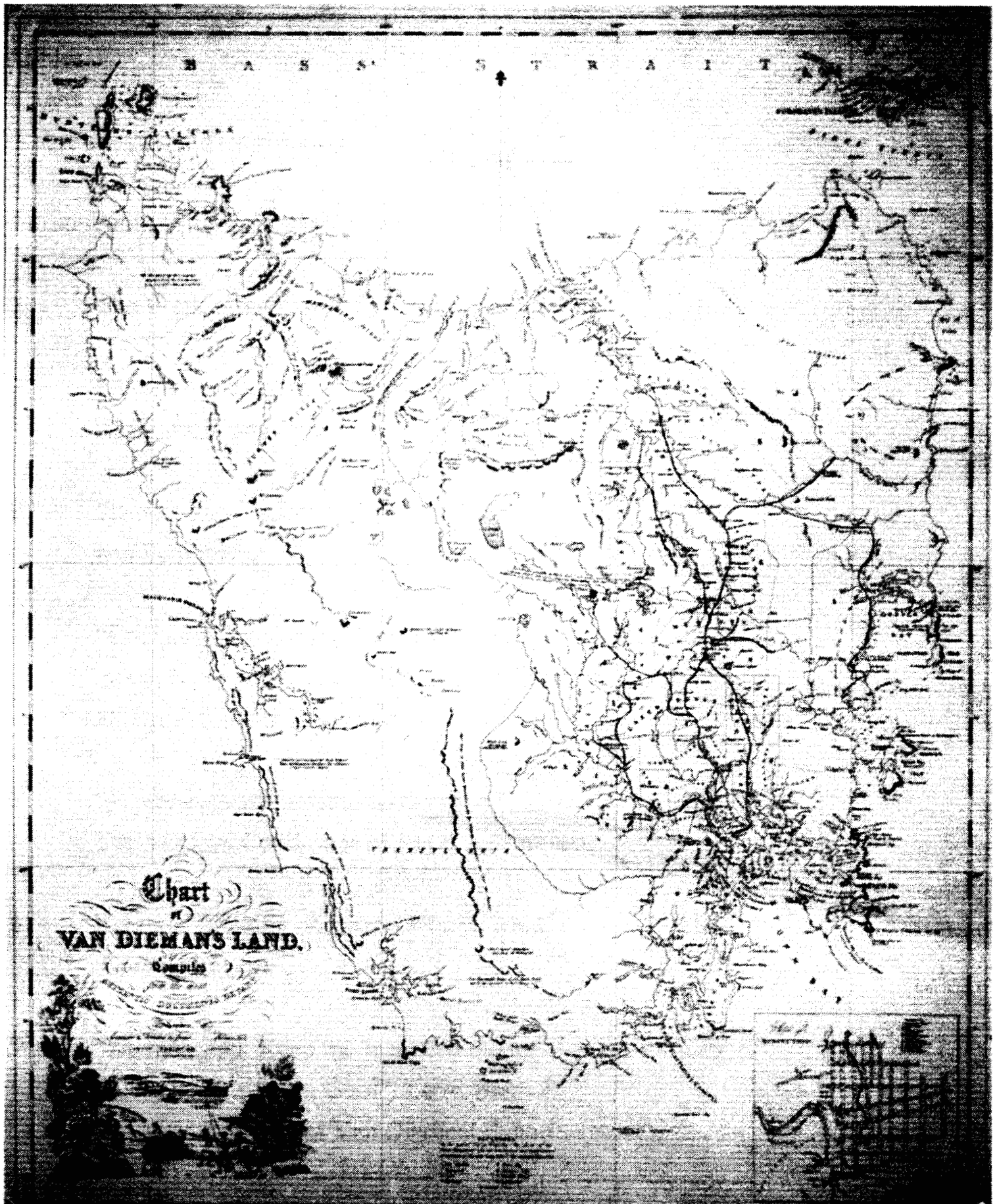
The year spent on archival research in Australia was a rewarding and exciting time. Thanks are offered to Professors Rod Thompson and Michael Bennet, who as heads of the Department of History, University of Tasmania, welcomed me into their department and provided office space and other resources. At the University of Tasmania I gained in particular from the interest and advice of Mr. Peter Chapman and Dr. Tom Dunning. A wider debt is owed all those in the departments at Hobart and Launceston, staff and

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The greatest debt of all is that to my parents, in recognition of which this thesis is dedicated to them.



**Map 6 Van Diemen's Land , Archives Office of Tasmania**

Compiled in 1832, this map demonstrates the extent of settlement in this period. The western half of the island is unsettled, whilst the eastern half is marked with roads and land allocations. This study focuses on the central and north-eastern area.

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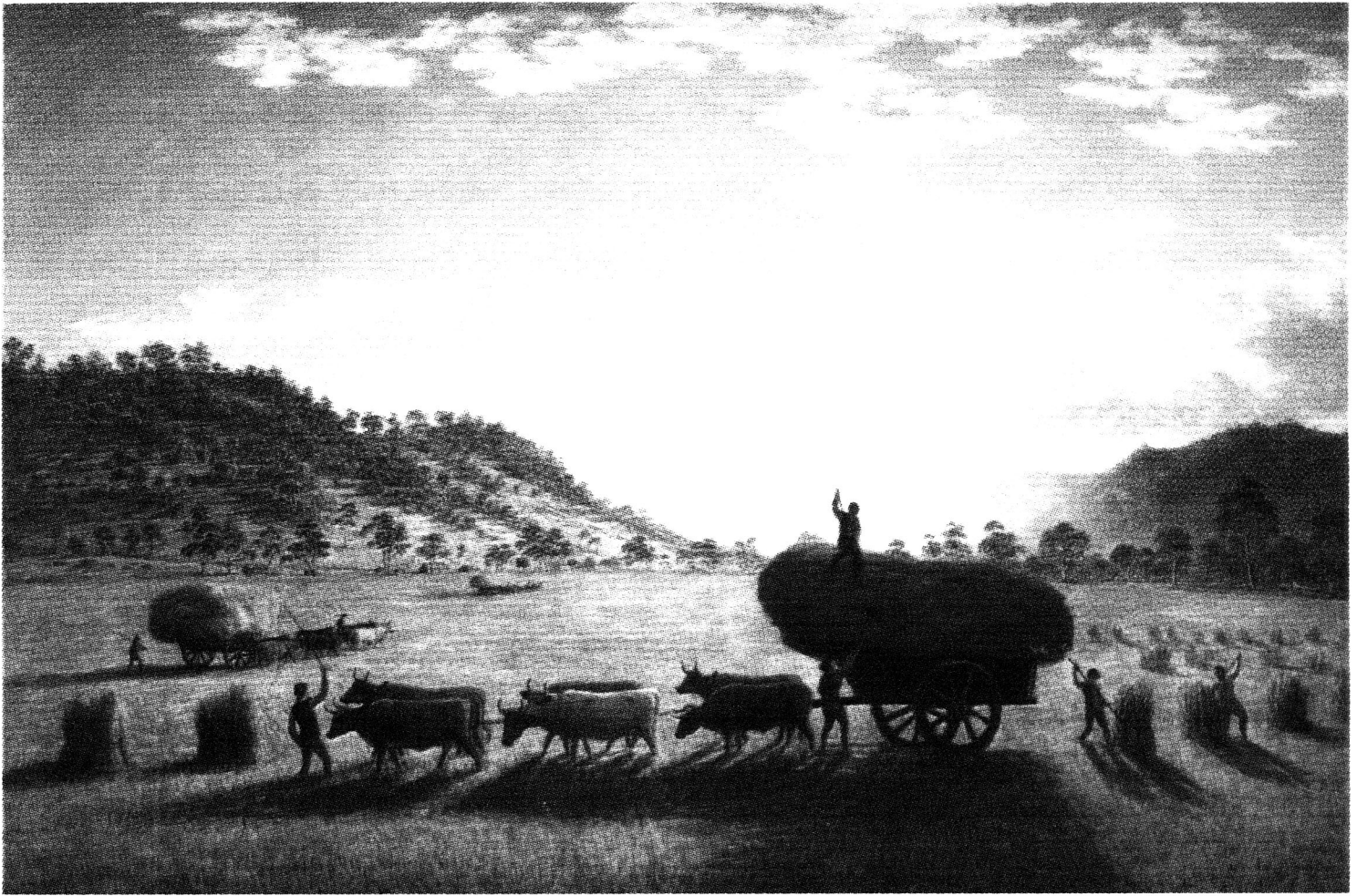
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## **Abbreviations and Conventions**

<b>AOT</b>	<b>Archives Office of Tasmania</b>
<b>AONSW</b>	<b>Archives Office of New South Wales</b>
<b>HRA</b>	<b>Historical Records of Australia</b>
<b>LRO</b>	<b>Lancashire Record Office</b>
<b>CON</b>	<b>Convict Department</b>
<b>LC</b>	<b>Lower Court records</b>
<b>NSW</b>	<b>New South Wales</b>
<b>VDL</b>	<b>Van Diemen's Land</b>
<b>CSO</b>	<b>Colonial Secretary's Office</b>



John Glover, *My Harvest Home*, 1835.

Oil on canvas, 76.2 x 113.9 cm., Tasmanian Museum and Art Gallery, Hobart.



## Introduction: Whose Harvest Home?

In March 1835 John Glover painted *My Harvest Home* inscribing on the reverse; "My Harvest Home, Van Diemen's Land, the Picture begun March 19th 1835 the day the harvest was all got in".<sup>1</sup> Glover was possibly prompted to paint this celebratory image in 1835 as that harvest season witnessed a vastly improved harvest on the preceding years; in 1835 wheat production rose to its highest level since 1830, more than double that of the previous year.<sup>2</sup> Certainly the work is triumphal, projecting the ideology of the new colonial landed gentry; the land made productive. Particular significance attaches to this painting as it shows individuals who can be assumed to be convict servants engaged in their work. Such a representation contrasts markedly to the image of convict labour that might be anticipated. Despite the vital role, and unavoidable physical presence of convict servants, both male and female in Van Diemen's Land society, few images exist depicting their work and lives.<sup>3</sup> No more than one would suppose any historical record to be unmoulded by the hand of its author, can Glover's painting be considered a fully objective and unproblematic depiction of rural Van Diemen's Land. This is not to question the artistic integrity of the work; indeed, Glover's faithful rendering of the colonial landscape drew the criticism of contemporaries who sought order and balance in nature, rather than an untamed and unordered environment.<sup>4</sup> As with any historical record, however, this striking image

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<sup>1</sup> For the inscription see J. McPhee, *The Art of John Glover* (Melbourne: Macmillan, 1980), p. 93. It has been suggested in B. Smith, *Australian Painting, 1788-1970* (Melbourne: Oxford University Press, 1978), p. 35 that this work should be attributed to John Richardson Glover, the eldest son of John Glover. John Richardson Glover, who emigrated and settled with his father had exhibited twenty-six works at the Royal Academy between 1808-29, and like his father specialised in landscape painting. While conventionally attributed to the father, this debate does not alter the social context and meanings of the work suggested here. See H.L. Mallalieu, *Dictionary of British Watercolour Artists up to 1920* (Suffolk: Antique Collectors Club, 1976), p. 112; A. Graves, *A Dictionary of Artists Who Have Exhibited Works in the Principal London Exhibitions 1760-1893* (London: Graves and Company, 1901), p. 112.

<sup>2</sup> *Statistics of Van Diemen's Land* (Hobart, 1839), Return no. 13.

<sup>3</sup> P. Paffen, "Forgotten faces?: Portraits and other images of the convict in Van Diemen's Land", *Tasmanian Historical Research Association Papers and Proceedings*, 46 (1999), pp. 57-95.

<sup>4</sup> B. Smith, *European Vision and the South Pacific* (Sydney: Harper and Row, 1992), p. 260; P. Chapman, "John Glover's migration to Tasmania", *Art Bulletin of Tasmania*, (1985), p. 23; P. Chapman (ed.), *The Diaries of G.T.W.B. Boyes, Volume 1 1820-1832* (Melbourne: Oxford

can be understood to suggest certain meanings which may be interrogated and unpacked.

In order to explore the understanding of the rural colonial world suggested by Glover's work it is fruitful to consider the artist's background and influences shaping his painting. John Glover was born in 1767 at Houghton-on-the-Hill, Leicestershire, one of three sons to a small farmer; a background that contributed to his later predilection for rural, pastoral landscapes. An appointment in 1786 as writing master at the Free School in Appleby took him to the Lake District, the spectacular scenery of which was of particular significance to the school of the picturesque, and the influence from which Glover's work perhaps never fully escaped.<sup>5</sup> John Glover sketched and painted a great many views of the Lake District, and whilst in Van Diemen's Land continued to complete compositions from these earlier sketch books. John Glover had attained considerable popularity and success in Britain, a fact that distinguishes him from other early colonial artists.<sup>6</sup> Although never admitted to the Royal Academy, his work was exhibited at the Academy in 1795, 1799, 1801, 1803 and 1804. Thereafter he was a founding member of the Society of Painters in Water-colour, exhibiting

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University Press, 1985), pp. 475-76.

<sup>5</sup> The conventional working pattern of late eighteenth, and early nineteenth-century landscape artists was to spend the late summer and autumn in touring picturesque regions, such as the Lake District, the Scottish Highlands, or, further afield, Italy. The winter and spring would be spent in working up finished compositions from sketch books, in order to exhibit their works during the summer exhibition season. Glover indeed followed such a pattern, making an extensive study of Italy, and completing a number of works of Italian subjects. See M. Rosenthal, *Constable: The Painter and his Landscape* (New Haven, Conn.: Yale University Press, 1983), p. 5; T. Hughes-d'Aeth, "Pretty as a picture: Australia and the imperial picturesque", *Journal of Australian Studies*, 53 (1997), pp. 99-100.

<sup>6</sup> Early nineteenth-century Australia attracted few European painters. A number of artists did travel to India and the Near East, establishing reputations in the Oriental genre; Australia was not understood to offer similar attractions. In the mass of emigration of the 1850s a number of artists did migrate, among them Eugene von Guerard, Henry Gritten and George Rowe. These individuals initially sought their fortune on the goldfields, only latterly returning to art. Eugene von Guerard later maintained it has been his aim in migrating to discover the beauties of nature, yet on his arrival in Victoria in 1852 he worked for a year on the Ballarat diggings. See T. Bonyhady, *Images in Opposition: Australian Landscape Painting 1801-1890* (Melbourne: Oxford University Press, 1985), pp. 6-8; G. Blainey, *The Rush That Never Ended: A History of Australian Mining* (Carlton: Melbourne University Press, 1969), pp. 32-60.

twenty-three works at their exhibition of 1805, and a member of the Society of British Artists.

John Glover was plainly an artist of established reputation when, aged sixty-three, he embarked at Gravesend on 4 September 1830 aboard the *Thomas Lawrie* with his wife Sarah, eldest son John Richardson Glover, and servant Thomas Eley for the Australian colonies. An initial plan to embark for the Swan River settlement in western Australia was abandoned. The colony on the Swan River, founded in 1829, successfully established Perth and Fremantle, but foundered as it failed to deliver the anticipated agricultural wealth.<sup>7</sup> Glover's arrival in Van Diemen's Land in February 1831 was a moment of some interest, leading at least one colonist to rekindle his own interest in painting; Boyes wrote to his wife, "I shall make violent efforts to benefit by his Society [*sic*] and talents I have hardly time to touch a brush at present".<sup>8</sup> Numerous factors may have influenced the artist's decision to emigrate. While Glover's work remained fashionable, and he continued to be able to attract patronage, the art market in Britain faltered in the 1820s. Under such conditions Glover had considered disposing of his London house in Montagu Square, for a permanent residence at Patterdale in the Lake District.<sup>9</sup> It is not clear, however, that financial circumstances alone compelled the Glovers to emigrate; on arrival in Van Diemen's Land John Glover was reported to be in possession of £60,000 capital.<sup>10</sup> Arguably more telling in the decision were the Glovers' familial connections in the colony.

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<sup>7</sup> S. Macintyre, *A Concise History of Australia* (Cambridge: Cambridge University Press, 1999), pp. 79-80; M. Clark (abridged by P. Cathcart), *History of Australia* (London: Pimlico, 1995), pp. 161-171; J. Kociumbas, *Oxford History of Australia, Volume 2 1770-1860, Possessions* (Melbourne: Oxford University Press, 1992), pp. 178-179.

<sup>8</sup> P. Chapman (ed.), *Diaries of G.T.W.B. Boyes*, p. 421. Whilst Boyes reaction and enthusiasm may not be wholly representative, the arrival of such a cultural figure in their midst can be plausibly considered to have created some interest and excitement in colonial society.

<sup>9</sup> J. McPhee, *op. cit.*, pp. 16-17.

<sup>10</sup> B. Smith, *European Vision and the South Pacific*, p. 258. Although this figure is possibly exaggerated, it is probable that Glover was wealthy on his arrival, having sold his London property and a number of his works.

Glover's three younger sons, James, Henry and William, had emigrated to Van Diemen's Land in 1829 on the *Prince Regent* and established themselves in the colony.

Settling in Van Diemen's Land generated a renewal of Glover's artistic career. Shortly after arrival the family purchased Ring Farm, at Tea Tree Bush, eighteen miles from Hobart.<sup>11</sup> Later in 1831 he received a grant of 2560 acres in the north-east of the island, and his son John was granted adjoining land. Further lots were added by purchase expanding their run. It was this new landscape, this new Patterdale, that gave Glover much of the inspiration for his colonial works.<sup>12</sup> Such was Glover's immersion in his artistic work that he expressed the hope that it might be possible to reform and refine colonial society through art, an idea he disclosed to the diarist Boyes. Boyes conveyed the idea in writing to his wife with some scepticism:

He has some schemes in his head ... which he will probably abandon after a little time. He intends to reform the Convicts /no trifling labour/ and to direct the views and regulate the conduct of the rest of the population, till they shall have arrived at such a state of moral advancement that will make the idea of human perfection no longer Utopian. All this is to be chiefly effected by the instrumentality of Art /Water and Oil/<sup>13</sup>

Ultimate success or failure of such a novel approach to convict discipline was never fully demonstrated, as the sons John and James had the general management of the farm and convict servants, whilst their father gave much of his time to the study and portrayal of the new landscape surrounding him.<sup>14</sup>

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<sup>11</sup> J. McPhee, *op. cit.*, p. 57.

<sup>12</sup> It is significant that Glover chose to name his property Patterdale, naming it after the Lake District Patterdale he had left behind. The architectural style of Glover's home in Van Diemen's Land also reproduced the style of Cumbrian building rather than the more usual Georgian style of colonial architecture. Through such means Glover attempted to realise an idealised landscape in the colony. See R. Radford, "John Glover, *A View of the Artist's House and Garden, in Mills Plain, Van Diemen's Land, 1835*", in R. Radford and J. Hylton, *Australian Colonial Art 1800-1900* (Adelaide: Art Gallery Board of South Australia, 1995), p. 71. Glover's house is depicted in the work John Glover, *A View of the Artist's House and Garden, in Mills Plain Van Diemen's Land, 1835*, oil on canvas, 76.5 x 114.3 cm, Art Gallery of South Australia, Adelaide.

<sup>13</sup> P. Chapman (ed.), *Diaries of G.T.W.B. Boyes*, p. 422.

<sup>14</sup> Letter of John R. Glover, 22 September 1833, cited in J. McPhee, *op. cit.*, pp. 59-61.

Placing John Glover within this context suggests that *My Harvest Home* should be approached as at once influenced by the conventions of English landscape painting, and also by the world view of colonial landed society. Bonyhady has argued that Glover, in common with other colonial landscape artists, focused on the recognisable aspects of the landscape, those that accorded with English models and tastes.<sup>15</sup> Indeed the harvest scene can be recognised as a common image of English rural life. More substantially, the placing of the labourers in the scene describes the central role ascribed to farming and labour. *My Harvest Home* celebrates not nature, but agriculture; the representation of toil is to the fore, whilst in conventional earlier pastoral works the labour was concealed. This form of representation of the countryside was evident in both art and poetry, and Glover, as other artists, was influenced by the similar georgic representation of labour. He even annotated his sketches with lines of verse.<sup>16</sup> Rosenthal has suggested of John Constable's similar rural work that such imagery suggests not only a productive and well-farmed landscape, but a stable and harmonious rural society. The elevated perspective from which the landscape is portrayed suggests a command over it, not only of the land but of those depicted upon it.<sup>17</sup> The appeal of such ideas of the countryside to the land-owning class is evident. Placing assigned convict servants in the painting may also be suggestive of their identification with other possessions and wealth obtained in the colony; a claim to personal attainment and status not unlike the late eighteenth-century

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<sup>15</sup> T. Bonyhady, *op. cit.*, pp. 42-43.

<sup>16</sup> Georgic imagery emerged in late eighteenth-century poetry, in which the formerly concealed realities of rural labour became an essential part of the rural image. While the work of poets of this type certainly discussed rural work, it would be misleading to suggest that it escaped idealisation. Georgic poetry typically presented labour as a positive, heroic experience. In the work of the celebrated and popular rural poet Robert Bloomfield, however, the ambiguity of the representation is clear. At once offering a typical celebration of labour, his most important work *The Farmer's Boy* also details the decaying social relation of master and servant. See J. Goodridge, *Rural Life in Eighteenth-Century English Poetry* (Cambridge: Cambridge University Press, 1995), pp. 2-28; W. Wickett and N. Duval (ed.), *The Farmer's Boy* (Suffolk: Terence Dalton, 1971), pp. 70-109; M. Rosenthal, *op. cit.*, pp. 203-13.

<sup>17</sup> M. Rosenthal, *op. cit.*, pp. 76-78.

fashion for placing black servants in portraits of English gentlemen and ladies.<sup>18</sup> *My Harvest Home* places an imagined fixity on an essentially dynamic relationship between master and convict servant. Similar themes of rural contentment, contemplation and completion emerge in other of Glover's works, and Bernard Smith has argued that this "sense of plenitude and physical well-being ... [was] ... no mere pictorial device ... it expressed the living experience of the Glover family as Australian farmers".<sup>19</sup> Such an assessment fails to interrogate the image suggested by Glover's painting.

The rural idyll suggested by Glover's painting contrasts sharply with the social landscape portrayed in the contemporary ballad, *Van Dieman's Land*:

### **Van Dieman's Land<sup>20</sup>**

Come all you gallant poachers  
That rambles devoid of care  
That walketh out on a moonlight night  
With dog and gun and snare.  
Here's the hares and lofty pheasants  
They stands at your command  
But you don't think on the dangers  
All on Van Dieman's Land.

Here's poor Tom Brown from Nottingham  
Jack Williams and Poor Joe  
They was three of the daring poachers  
The Country did well know  
One night they was trap-handed  
By the Keeper hid in sand  
And for fourteen years transported

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<sup>18</sup> A developed body of scholarly literature exists on this trend in British painting. See B.F. Tobin, *Picturing Imperial Power: Colonial Subjects in Eighteenth Century British Painting* (Durham, NC: Duke University Press, 1999), pp. 27-55; D. Dabydeen, *Hogarth's Blacks; Images of Blacks in Eighteenth Century English Art* (Kingston-upon-Thames: Dangaroo Press, 1985), pp. 17-40; D. Dabydeen, "The role of black people in William Hogarth's criticism of eighteenth century culture and art", in J.S. Gundara and I. Duffield (eds.), *Essays on the History of Blacks in Britain; From Roman Times to the Mid-Twentieth Century* (Aldershot: Avebury, 1992), pp. 30-58; G. Gerzina, *Black England; Life Before Emancipation* (London: John Murray, 1995), pp. 15, 26, 67 and 70-1; J. Walvin, *Black and White; The Negro and English Society 1555-1945* (London: Allen Lane, 1973), p. 62.

<sup>19</sup> B. Smith, *Australian Painting*, p. 35.

<sup>20</sup> reproduced in J. Reeves, *The Idiom of the People; English Traditional Verse* (London: Heinemann, 1958), pp. 217-218. The spelling adopted here 'Van Dieman's Land' reflects that of the original, rather than the more usual 'Van Diemen's Land'.

All on Van Dieman's Land.

The very first day we landed  
All on that fatal shore  
The planters they came round us  
About three score or more  
So they harnessed us up like horses  
And fit us out of hand  
And they yoked us to the plough my boys  
To plough Van Dieman's Land.

O those wretched huts that we live in  
Is built with clods and clay  
And rotten straw for bedding  
We dare not to say Nay.  
Our cottages they're all fenced with fire  
We slumber whilst we can  
To drive all wolf and tiger  
All from Van Dieman's Land.

One night all in my slumbers  
I had a pleasant dream  
I dreamt I was with my dear wife  
Down by some purling stream  
With all the children's prattling stories  
All around me they did stand  
But I awake quite broken hearted  
All on Van Dieman's Land.

Here is a girl from Nottingham  
Susan Somers is her name  
She got fourteen years transported  
For selling of our game  
But the planter bought her freedom  
And married her out of hand  
And she proved true and kind to us  
All on Van Dieman's Land.

Ballads of this type formed an important aspect of the trade in broadsides, single printed sheets sold on streets across Britain and Ireland. Broadsides covered a range of subjects, particularly popular being those that described murders, scandals and other topical events. Indeed, 'cocks', generic and often gruesome murder accounts, presented as news, were those commonly relied upon by street vendors when news of a spectacular nature was scarce. Henry Mayhew reported an interview with such a seller who informed him:

The murder of Sarah Holmes at Lincoln is good too - that there has been worked for the last five years successively every winter. Poor Sarah Holmes! Bless her! She has saved me from walking the streets all night many a time. Some of the best of these have been in work twenty years.<sup>21</sup>

It is within this print culture of adaptation, and even invention, that the ballad *Van Dieman's Land* is to be located. Success of broadside ballads rested heavily on novelty, in the rapid response to prevailing events affecting their readership, a readership that was largely, although not exclusively, popular.<sup>22</sup> *Van Dieman's Land* was written 1825-30, which coincides with an increasing number of convicts being transported to the colony, and its firm placement in the popular imagination.<sup>23</sup> Aspects of the ballad plainly hark back, however, to the American colonies in the eighteenth century. Approximately 50,000 prisoners were transported to America before 1775.<sup>24</sup> Lines in the ballad describing the arrival of convicts 'on that fatal shore' relate to experiences in America. In the Australian context the reference to 'planters' is misplaced, such terminology was not used of farmers and settlers in Van Diemen's Land, yet was used in describing those in the Chesapeake colonies, the main destination of eighteenth-century transportees. A variant on the ballad contains the line, 'and sold us out of hand'; a reference to the practice of merchants selling convicts' labour for the term of their sentence upon arrival in America.<sup>25</sup> Merchants

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<sup>21</sup> see H. Mayhew, *London Labour and the London Poor* (London: Griffin, Bohn and Company, 1861), Volume 1 p. 222. See also J. Mullen and C. Reid (eds.), *Eighteenth-Century Popular Culture: A Selection* (Oxford: Oxford University Press, 2000), pp. 3-17; L. Shepard, *The History of Street-Literature* (Newton Abbot: David and Charles, 1973), pp. 13-28, 101-103; L. Shepard, *The Broadside Ballad: A Study in Origins and Meanings* (London: Herbert Jenkins, 1962), pp. 48-69, 80-86.

<sup>22</sup> As the cheapest form of printed matter it is probable that the primary market was plebeian. As Rawlings notes, however, it cannot be assumed that they were not also read by those outside the labouring classes; see P. Rawlings, *Drunks, Whores and Idle Apprentices; Criminal Biographies of the Eighteenth Century* (London: Routledge, 1992), p. 3. See also J. Mullen and C. Reid, *op. cit.*, p. 7.

<sup>23</sup> R. Hughes, *The Fatal Shore* (London: Harvil, 1996); A.G.L. Shaw, *op. cit.*, Appendix pp. 366-367.

<sup>24</sup> see A.R. Ekirch, *Bound for America; The Transportation of British Convicts to the Colonies, 1718-1775* (Oxford: Oxford University Press, 1987), p. 27.

<sup>25</sup> A variant of the ballad places it in Ireland, referring to 'Thomas Brown from Nenagh town' and 'a



were contracted to transport convicts to America, and sold their labour as soon as possible upon arrival to avoid further expense, and the possible risk of developing ill-health and thwarting sales.<sup>26</sup> Equally untrue in both instances was the representation that men were harnessed to draw the plough; in Van Diemen's Land oxen were characteristically used.

It is thus clear that the ballad draws on precursors describing transportation to America.<sup>27</sup> Yet the ballad is of an importance greater than simply reproducing the strong influence of earlier ballads, for not only does it suggest the adaptability of enterprising printers, but may also suggest contemporary understandings of transportation among the popular audience. Maxwell-Stewart and Duffield argue that the ballad demonstrates the convicts' own understanding of the transaction conducted between the state and settlers in their labour, likening it to a sale (although in this instance no money changed hands).<sup>28</sup> Certainly the ballad can be read to offer a popular understanding of the fate of those transported, and given that the primary audience for such work included those forming the greater part of the transported population, the representation is bleak. Glover's vision of sun-baked plenitude finds no resonance in the description of the 'wretched huts' of the convicts, nor the awakening, despairing convict, 'quite broken hearted'. The central image 'they yoked

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girl from Nenagh town, Peg Brophy was her name' in place of Tom Brown and Susan Somers from Nottingham. This version also adds two further verses lamenting the fate of the transported convicts, and their wish to return to Ireland. In this version the settlers 'ranked us off like horses and sold us out of hand'. See D. Stewart and N. Keesing (eds.), *Old Bush Songs and Rhymes of Colonial Times* (Sydney: Allen and Unwin, 1957), pp. 13-14.

<sup>26</sup> K. Morgan, "The organisation of the convict trade to Maryland: Stevenson, Randolph & Cheston, 1768-1775", *William and Mary Quarterly*, XLII (1985), pp. 201-227; A.R. Ekirch, *op. cit.*, pp. 122-129; F. Grubb, "The transatlantic market for British convict labour", *Journal of Economic History*, 60 (2000), pp. 94-122.

<sup>27</sup> Maxwell-Stewart and Duffield have connected the ballad to an earlier, extensively similar version relating the convict transport to Virginia; see H. Maxwell-Stewart and I. Duffield, "Skin-deep devotions: religious tattoos and convict transportation to Australia", in J. Caplan (ed.), *Written on the Body: The Tattoo in European and American History* (London: Reaktion, 2000), esp. pp. 118-119. For similar themes in another ballad of transatlantic transportation see 'The Lads of Virginia', reproduced in J. Holloway and J. Black (eds.), *Later English Broad-sides, Volume 2* (London: Routledge and Kegan Paul, 1979), pp. 149-150.

<sup>28</sup> H. Maxwell-Stewart and I. Duffield, *op. cit.*, p. 119.

us to the plough' suggests forced extraction of hard labour from an alienated workforce, again at odds with the serene rural world suggested by John Glover's *My Harvest Home*.

Of these two contrasting images of rural convict Van Diemen's Land that suggested by Glover was to be the more pervasive. Transported convicts were part of a history that was concealed from the mid-nineteenth century in Australia, a hated stain best forgotten or passed over in silence. Whilst an interest was displayed in written works describing the horrors of the convict period, such as Marcus Clarke's *For The Term of His Natural Life*, first published in Melbourne in 1874, or the 1859 newspaper serialisation of Jack Bushman's *Passages from the Life of a Lifer*, this was a past that was to be viewed as safely concluded.<sup>29</sup> The emergence of the 'Pioneer Legend' in the last decades of the nineteenth century chiefly celebrated those men of substance who had first heroically tamed and worked the land, placing them in an idealised, imaginary bush context, peopled by free settlers and free labourers. Indicative of the nature of this legend were the 1913 celebrations in New South Wales to mark the centenary of the crossing of the Blue Mountains by William Lawson, Gregory Blaxland and W.C. Wentworth; this event was constructed as creating the future pastoral wealth and prominence of the colony. Detailed understanding of the earlier nineteenth century was eclipsed in the drive to project a golden pastoral and agricultural age, which offered not only adventure and excitement, but importantly presented a moral counterpoint to the ills seen in modern, urban Australia.<sup>30</sup> Convicts were excised or discounted as part of the construction of the Australian colonies.

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<sup>29</sup> T. Griffiths, *Hunters and Collectors; The Antiquarian Imagination in Australia* (Cambridge: Cambridge University Press, 1996), pp. 115-118; I. Duffield, "Problematic passages: 'Jack Bushman's' convict narrative", in I. Duffield and J. Bradley (eds.), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London: Leicester University Press, 1997), pp. 20-42.

<sup>30</sup> R. Waterhouse, "Australian legends; representations of the Bush, 1813-1913". *Australian Historical Studies*, 115 (2000), pp. 201-11; G. Davison, "Sydney and the Bush: an urban context for the Australian legend", *Historical Studies*, 18 (1978), pp. 191-203; J.B. Hirst, "The Pioneer Legend", *Historical Studies*, 18, (1978), pp. 316-331. In the period following the First World War the Anzac Legend emerged, a more enduring national legend based particularly on the Australian and New Zealand experiences at Gallipoli in 1915.

Writing in 1939 R.W. Giblin demonstrated the continuing influence of the pioneer legend, including a chapter on free pioneers in his *The Early History of Tasmania*, with the stated purpose of showing that, "the colony attracted and absorbed a large mass of the right material for the making of good colonists".<sup>31</sup> For Giblin convicts did not constitute the 'right stuff', and are accordingly absent from his account, in a silence that speaks volumes to those who will listen.

In the 1950s and 1960s convicts were rediscovered as a subject of serious academic research. The work of Manning Clark, A.G.L. Shaw and Lloyd Robson established the convicts as an inescapable presence in the Australian past, but also entrenched long-standing assumptions of convict criminality and brutality, locating the transported convicts, as contemporary observers had done, within a sinister urban criminal class.<sup>32</sup> John Hirst's study of assignment in New South Wales provides a contrast to these earlier works, describing a relation of master and convict servant in which the conflict was less marked.<sup>33</sup> The emphasis on the baseness of the convicts, and importantly on the harshness of the system of transportation, was further entrenched by Robert Hughes, *The Fatal Shore*.<sup>34</sup> The most influential challenge to these pre-existing understandings of convict transportation was that of *Convict Workers*. Through an analysis of the records of approximately 20,000 male and female convicts transported to New South Wales between 1817-1840, *Convict Workers* attempted to escape the shackles of the criminal class model of convict

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<sup>31</sup> R.W. Giblin, *The Early History of Tasmania* (Melbourne: Melbourne University Press, 1939), pp. 296-330.

<sup>32</sup> C.M.H. Clark, "The origins of the convicts transported to Eastern Australia, 1787-1852", Parts 1 and 2, *Historical Studies*, 7 (1956), pp. 121-35, 314-27; A.G.L. Shaw, *Convicts and The Colonies*, (London: Faber and Faber, 1966); L. Robson, *The Convict Settlers of Australia* (Melbourne: Melbourne University Press, 1965).

<sup>33</sup> J.B. Hirst, *Convict Society and its Enemies; Early New South Wales* (Sydney: Allen and Unwin, 1983).

<sup>34</sup> R. Hughes, *op. cit.*

origins, positing instead a broadly skilled convict workforce, rationally deployed throughout the colonial economy.<sup>35</sup>

Given its pugnaciously revisionary position, *Convict Workers* was, unsurprisingly, treated to a good deal of scholarly criticism and heated debate.<sup>36</sup> The response to *Convict Workers* was as vigorous as the work itself had been provocative. Arguably the most important and, over time, influential of subsequent responses was the argument of Raymond Evans and William Thorpe.<sup>37</sup> Evans and Thorpe argued that the reliance on official records of penal bureaucracy in *Convict Workers* had produced a sanitised vision of convict transportation and labour; the study was seen to reify the discourse of the colonial state, and in so doing had lost sight of the individual convict and harsh colonial power relations. To redress this imbalance Evans and Thorpe called for a fuller recognition of the coercive power of the state, and a close scrutiny of such sources, especially convict narratives, which suggested the convicts' own understanding of their experiences.

Subsequent writing has shown the influence of the ideas of both Nicholas and his team of authors and Evans and Thorpe. Those studies which have taken as their focus particular work situations have been most revealing.<sup>38</sup> Close attention in such studies has demonstrated the complexity of convict workplace relations, and have revealed the variance in convicts' lived experience. The experience of private sector employment, rather than government ganged or penal station labour, has been

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<sup>35</sup> S. Nicholas (ed.), *Convict Workers; Reinterpreting Australia's Convict Past* (Cambridge: Cambridge University Press, 1989).

<sup>36</sup> For example R. Shlomowitz, "Convict Workers: A review article", *Australian Economic History Review*, XXX (1990), pp. 67-88; R. Shlomowitz, "Convict Workers: Casual or professional criminals?", *Australian Economic History Review*, XXXI (1991), pp. 106-108.

<sup>37</sup> R. Evans and W. Thorpe, "Power, punishment and penal labour: *Convict Workers* and Moreton Bay", *Australian Historical Studies*, 25 (1992), pp. 90-111.

<sup>38</sup> W.M. Robbins, "The Lumber Yards: a case study in the management of convict labour 1788-1832", *Labour History*, 79 (2000), pp. 141-161; H. Maxwell-Stewart, "Convict Workers, 'Penal Labour' and Sarah Island: life at Macquarie Harbour, 1822-1834", in I. Duffield and J. Bradley (ed.), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London: Leicester University Press, 1997), pp. 142-62.

markedly less explored by such writing. Sharon Morgan's work *Land Settlement In Early Tasmania* provides useful insights into rural society in Van Diemen's Land, yet only scratches the surface of the convict experience or contribution to that society; indeed Morgan places convicts alongside other natural and man-made problems free settlers faced in farming the colony.<sup>39</sup> Those convicts assigned to rural labour in Van Diemen's Land have lacked revisionary attention, and consequently remain to a significant extent obscured by the myths of rural pioneers put in place in the late nineteenth-century, while also remaining marginalised in a new historiography that has focussed on those prisoners held in the public sector.

That such a category of transportees should remain unscrutinised is a remarkable gap in the historiography of Van Diemen's Land. First begun as a British penal settlement in 1803, the survival and growth of the colonial society and economy in the period to 1840 was heavily reliant on the farming sector. During this period land alienation progressed rapidly as the colonial population was augmented by the arrival of substantial numbers of free settlers of some substance and respectability in the eyes of colonial authority. Not only a substantial pastoral sector, but also an important arable sector developed. Assessing the Van Diemen's Land economy as it had developed by 1850 Hartwell stated: "Tasmania had a well-developed economy with a pastoral and agricultural core, producing the export staples, wool and wheat".<sup>40</sup> This present study takes as its focus the dynamic period 1820-40, when land settlement and farming were progressing rapidly in the colony. The importance of convict labour in facilitating rural economic growth is evident; farming was the single largest private sector employer of assigned convict labour in Van Diemen's Land.

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<sup>39</sup> Sharon Morgan, *Early Land Settlement in Tasmania; Creating an Antipodean England* (Cambridge: Cambridge University Press, 1992), pp. 127-42.

<sup>40</sup> R.M. Hartwell, *The Economic Development of Van Diemen's Land 1820-50* (Melbourne: Melbourne University Press, 1954), p. 13. Hartwell's account remains the standard discussion of the development of the colonial economy.

In order to place these assigned convicts firmly in context, chapter one explores the rural economy of the colony, which was more rapidly developed and technologically advanced than is generally assumed. Central to the examination of convict rural labour is the reconstitution of the convict workforces on a number of rural properties in the important midlands agricultural area. Through identifying significant landholders it was possible to reconstruct the convicts assigned to these masters. Chapter two discusses the workplace skills and origins of this group, suggesting that relevant former rural work experience was unexpectedly common, and that convicts, despite contemporary complaints of their abilities, were indeed useful and valuable farming labour. Demand from settlers for assigned convict servants was high, which further demonstrates the importance of convict labour in the rural sector. Reconstructing the rural workforce also allowed an understanding of the workplace culture and relations of master and convict servants on these properties. Chapters three and four examine this important relationship. Analysis of strategies of convict labour management and convict resistance are central to the thesis; this was a dynamic relation, tempered by both the authority of the master and penal legislation, and the potential of the assigned prisoner to enact personal retribution.

The material conditions of convict life, diet, clothing and shelter, were not only an important aspect of masters' management of assignees, and a common source of tension, but provided the essential conditions for the existence of convict culture. Chapter five examines convicts' food, lodging and clothing in detail, revealing not only that necessary subsistence requirements were met, but that the consumption of these various items formed part of convict culture, and a space for convict acquisition and autonomy. In addressing convict society and culture the thesis discusses non-work activity, an important yet largely unexplored area of convict experience. In chapter six it is shown that within those areas outside workplace discipline convicts created an important recreational culture, a space in which to escape the bonds of convict life, and in which such bonds might be tested. Convicts' personal

relationships are addressed in chapter seven, the findings contesting the notion that male convict sexuality was uniformly brutalised, or a brutalising force. This examination counters the tendency to explore such matters only in the context of women's history.

In considering rural labour, convict assignment and male working culture this study draws widely on comparative literature, both concerning contemporary rural societies and contemporary unfree labour systems. This approach not only enriches and contextualises the study of material relating to Van Diemen's Land, but allows it to be placed within the wider international context. Hartwell's declaration in his work continues to ring true: "Van Diemen's Land history is part of Australian history; Australian history is part of British history, and British history, in turn, must be considered part of European and world history".<sup>41</sup> While today Hartwell's annexation of Australian history to a chain of other histories might raise the concern that it suggests unidirectional influences with Australia passively at the end of the line, nevertheless he is entirely correct in his assertion of the ultimate connectedness of all these histories. Indeed calls for the importance of comparative treatment of Australian material continue to be made, suggesting the continuing need for such an approach.<sup>42</sup>

The focus of this study is on the experience and employment of male convicts. This abstraction from the social reality is a reflection of the very developed state of female convict historiography. A number of important studies of female convicts in Van Diemen's Land and New South Wales have been produced in recent years, while the male experience has not received corresponding, isolated scrutiny.<sup>43</sup> These works

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<sup>41</sup> *Ibid.*, p. 4.

<sup>42</sup> C. Lloyd, "Australian and American settler capitalism: the importance of a comparison and its curious neglect", *Australian Economic History Review*, 38 (1998), pp. 280-305.

<sup>43</sup> Important recent studies include: J. Damousi, *Depraved and Disorderly; Female Convicts, Sexuality and Gender in Colonial Australia* (Cambridge: Cambridge University Press, 1997); K. Daniels, *Convict Women* (Sydney: Allen and Unwin, 1998); D. Oxley, *Convict Maids* (Cambridge: Cambridge University Press, 1996); K. Reid, "Work, sexuality and resistance; The convict women of Van Diemen's Land 1820-1839", unpublished PhD Thesis, University of Edinburgh, 1995.

have problematised and investigated many areas of female convict history, while corresponding aspects of male convict history have remained unquestioned. Issues concerning the relationships and work of assigned male convicts are, in particular, an area upon which the secondary literature is undeveloped. This thesis has benefited from the developed work and insights of those who have written on female prisoners. As the thesis demonstrates, the separation of male and female convicts is only a theoretical position and a working method; indeed, as the penal administration could not prevent their mixing, the historian would be rash to assume the ability to perform this feat. Within this study it is clear that male and female convicts did mix, at work and socially, and the importance of this is duly recognised. Equally, while this thesis considers convict rural labour, this cannot be understood in isolation from some consideration of free rural society, details of which also emerge in the study. It remains for another to describe fully the nature of early rural Van Diemen's Land society in which male and female, convict and free co-existed and contended in a series of relationships that do not necessarily accord with conventionally assumed divisions of gender and social status.<sup>44</sup>

While the wealth of archival materials available in Tasmania allows for detailed research, it also demands that boundaries are drawn on that research. Numerous further avenues of enquiry emerged in the archives during this study, but time did not allow for fuller exploration. Hence, while the thesis remains wide-ranging, there is only limited reference to joint-stock agricultural companies, such as the Van Diemen's Land Company and the Van Diemen's Land Establishment, or to free and ticket-of-leave agricultural labour. An important area of the rural context that is not explored is the conflict between settlers and Van Diemen's Land Aborigines. The period this

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<sup>44</sup> The recent work of John Ferry on Armidale, New South Wales provides the best current model for such an integrated history, while the earlier work of Alan Atkinson on Camden, New South Wales provides a further important example; see J. Ferry, *Colonial Armidale* (St. Lucia: University of Queensland Press, 1999) and A. Atkinson, *Camden; Farm and Village Life in Early New South Wales* (Oxford: Oxford University Press, 1988). An equivalent holistic modern study of early Van Diemen's Land, alert to all the issues of class, race, gender and social conflict has yet to be written.



study considers witnessed an intensification of the persecution of the indigenous peoples, amid a climate of violence and fear. In 1837 the remaining Aboriginal population was forcibly resettled on Flinders Island.<sup>45</sup> In this context the role of the assigned convict raises some interesting questions. Studies of mainland Australia have argued that convicts were the primary agent in the destruction of Aboriginal societies.<sup>46</sup> To examine fully this issue in Van Diemen's Land requires dedicated investigation which lies beyond the remit of the present work.

The tension between the representation of rural convict life and work in John Glover's *My Harvest Home* and that of the ballad *Van Diemen's Land* provides a starting point for this study of male convict labour. Van Diemen's Land was a prospering farming society in the period examined, but it was not without conflict and challenge from the convict labourers upon whose toil success was built. Whilst Glover could realise a bountiful, peaceful landscape in his painting, he too experienced the harder realities of the colony. Advancing from this perspective it can be suggested that the grand proprietorial claims of the painting *My Harvest Home* should be qualified; one might indeed ask 'Whose harvest home?'

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<sup>45</sup> Important works include: H. Reynolds, *Fate of a Free People; A Radical Re-examination of the Tasmanian Wars* (Ringwood: Penguin, 1995); C. Pybus, *Company of Thieves* (Port Melbourne: Minerva, 1992); N.J.B. Plomley, *Weep in Silence; A History of the Flinders Island Aboriginal Settlement* (Hobart: Blubber Head Press, 1987); L. Ryan, *The Aboriginal Tasmanians* (St. Lucia: University of Queensland Press, 1981).

<sup>46</sup> E. Fesl, *Conned!* (St. Lucia: University of Queensland Press, 1996).

## Chapter 1

### The Work of the Land: Farming 1820-40

John Thomas Bigge was unimpressed by his tour of Van Diemen's Land in early 1820. Bigge's task was to compile a report for the British Government on the current state and future direction of the Australian colonies. The latter would meet the twin purposes of at once making transportation a more feared and effective punishment, and making convict transportation less expensive to the British Government.<sup>1</sup> Farming in the colony came under Bigge's scrutiny under both heads; it might offer a productive mode of employing convicts, and also generate wealth in the colony, so enabling some costs of transportation to be transferred to the colonial fisc. During his tour of the island, however, he found limited enclosures, cultivation pursued at the most basic level and witnessed few individuals employing improved methods.<sup>2</sup> In his recommendations for the colony, Bigge advocated that the practice of granting land to small agriculturalists be ended, and that the development of extensive pastoralism and fine wool production be encouraged.<sup>3</sup> Prevailing notions of Australian farming as backward, demonstrated in Bigge's report, have only recently been challenged by Geoff Raby. Raby has adopted the contrasting position that, "in early Australian agriculture, experimentation, innovation, adaptation, and the accumulation and exchange of technical information were occurring".<sup>4</sup> Examination of farming in the colony in the period in question tends to sustain Raby's argument. In discussing the development and success of farming in this period, however, two important cautions

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<sup>1</sup> J. Ritchie, *Punishment and Profit; The Reports of Commissioner John Bigge* (Melbourne: Heinemann, 1970), pp. 1-65.

<sup>2</sup> J.T. Bigge, *Report of the Commissioner of Inquiry on the State of Agriculture and Trade in the Colony of New South Wales* (London, 1823; edition used Adelaide, Libraries Board of South Australia, 1966), pp. 25, 29 and 48-53.

<sup>3</sup> J.T. Bigge, *Report on the Colony of New South Wales* (London, 1822; edition used Adelaide, Libraries Board of South Australia, 1966), p. 161.

<sup>4</sup> G. Raby, *Making Rural Australia; An Economic History of Technical and Institutional Creativity 1788-1860* (Melbourne: Oxford University Press, 1996), p. 153.

should be borne in mind. First, the extent to which the Bigge reports and the shift towards pastoralism formed a watershed in the rural, and more general economic growth of the colony ought not to be overstated. Salt meat and grain were exported to New South Wales before 1820, and the Commissariat Store had in the earlier period provided an engine for economic growth.<sup>5</sup> Second, the growth of this period was not experienced by all those in rural enterprise. This study primarily examines the convict workforces of larger proprietors in the wealthy midlands area.<sup>6</sup> The experience of smaller settlers remains generally unexplored, but can be considered to have been more economically precarious. Consideration of these individuals necessarily tempers the progressive account of colonial farming.

Commissioner Bigge was not alone in his opinion of farming in Van Diemen's Land. Edward Curr described the colonial farmyard as merely holding the draught oxen, and an untidy collection of bones, skins, wool, manure, implements, dogs and idlers; an image he drew in contrast to that in Britain.<sup>7</sup> W.C. Wentworth emphasised the great fertility of the soil, but was strongly critical of the "slovenly mode of tillage" that was carried on. Wentworth suggested that were a Norfolk rotation pursued, in contrast to current practices, production would be doubled.<sup>8</sup> Such criticisms reveal as much of the authors' misunderstanding as they do of colonial farming. Significantly, similar censure was also passed on farming in America and Ireland in the late eighteenth and early nineteenth centuries. British accounts of Irish farming commonly

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<sup>5</sup> W.G. Rimmer, "The economic growth of Van Diemen's Land 1803-21", in G.J. Abbot and .B. Nairn (eds.), *Economic Growth of Australia 1788-1820* (Carlton: Melbourne University Press, 1969), pp. 327-348.

<sup>6</sup> It was not possible to readily identify small proprietors in the archival sources for this study. There has not yet been an examination of small farmers in this period, and sustained research on these individuals would unquestionably be an important addition to the understanding of rural Australia.

<sup>7</sup> E. Curr, *An Account of the Colony of Van Diemen's Land* (London: George Cowie, 1824), pp. 13-14.

<sup>8</sup> W.C. Wentworth, *A Statistical, Historical and Political Description of the Colony of New South Wales and Its Dependent Settlements in Van Diemen's Land* (London: Whittaker, 1819; edition used Adelaide, Doubleday, 1979), pp. 152-153; L. Robson, *A History of Tasmania, Volume 1* (Melbourne: Melbourne University Press, 1983), p. 170.

emphasised its backwardness, the continuing use of hand implements, the lack of rotations, and land cropped to exhaustion.<sup>9</sup> From the 1790s British travellers had offered criticism of farming in America. American agriculture was seen to be "Untidy ... transportation was poor ... labor was lazy and expensive ...[and] much of the topsoil was allowed 'to go down the river'".<sup>10</sup> Commentators continued to highlight supposed wasteful and ignorant practice in America in the early nineteenth century.<sup>11</sup> These observations on farming in Australia, America and Ireland were made with reference to farming practice in Britain, more specifically with comparison to improved techniques that were then developing.

Farming in Britain in this period was subject to scientific experimentation and improvement in a rupture with the rural past. From the mid-eighteenth century there was a development of new agricultural methods, crops, rotations and the improvement of livestock. Improvement found, perhaps, its ultimate expression in the highly ordered and organised model farms that were carefully and elaborately planned and built in this period. The buildings relating to the various processes of farm business were rationally arrayed, a solid statement of modernity and progress.<sup>12</sup> Whilst there were unquestionably advances in many areas of farming in Britain in the period to 1850, it would be misleading to suggest that changes and improvement were

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<sup>9</sup> J. Bell and M. Watson, *Irish Farming 1750-1900* (Edinburgh: John Donald, 1986), pp. 229-30.

<sup>10</sup> G.M. Herndon, "Agriculture in America in the 1790s: An Englishman's view", *Agricultural History*, 3 (1975), p. 505. Herndon pp. 515-16 suggests that one factor influencing early negative impressions of American farming may have been an attempt to curb emigration. This may have been the case with newly independent America but not with the Australian colonies. Herndon's argument does, however, offer a fruitful perspective on later positive accounts of opportunities in Australia published in migrants' handbooks - contemporary depictions are often far from objective, it is important to consider the writer's purpose. See also P.W. Gates, *The Farmer's Age: Agriculture 1815-60* (New York: Holt, Rinehart and Winston, 1960), pp. 3-4, 28 and 200-203; R.C. Loehr, "Arthur Young and American Agriculture", *Agricultural History*, 1 (1969), pp. 43-56.

<sup>11</sup> P.W. Gates, *op. cit.*, pp. 3-4 and 28.

<sup>12</sup> J.M. Robinson, *Georgian Model Farms: A Study of Decorative and Model Farm Buildings in the Age of Improvement 1700-1846* (Oxford: Clarendon Press, 1983), pp. 45-75; N. Harvey, *A History of Farm Buildings in England and Wales* (Newton Abbot: David and Charles, 1970), pp. 66-109 and 118-45; S. Wade Martins, *Historic Farm Buildings* (London: Batsford, 1991), pp. 38-59. Surviving grand brick and stone steadings from this period of building remain potent reminders of an age of agricultural confidence and expansion - in contrast to current conditions.

universal. Numerous factors conspired to limit the adoption of new techniques, from tradition to the cost entailed, and in many areas new methods were not readily applicable. In the mid-nineteenth century improvement in farming in Britain remained uneven, being more advanced in certain areas, such as Norfolk and the Lothians, and less so in others.<sup>13</sup> Despite the incomplete progress and adoption of improved techniques in Britain, it was against the artificial standard of those areas most subject to improvement that the farmers of the Australian colonies, as those in America and Ireland, were measured.

Not only was the yard stick by which colonial farming was measured false, but the vision of the commentators often failed to apprehend fully what they beheld. In part the same factors that had tended to slow the adoption of new techniques in Britain played a role in delaying or preventing their use in Van Diemen's Land. Improvement was an expensive business, as Alexander Reid, a successful farmer in the colony on his farm Ratho, noted in a letter during the winter of 1834:

In this Country things get on for the Farmers very well now a days - prices good for everything ... I have myself just been enabled to pay off the £250 Mortgage I took on Ratho ... but from constant improvements in fencing &c. I never get any spare cash.<sup>14</sup>

While a successful landholder such as Reid could stand, if only just, the expense of improving his land, for others the costs proved too burdensome. In his report on agriculture in the colony in 1828, Lieutenant-Governor Arthur applauded the developments that had taken place, but noted: "Indeed it is a common error with the

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<sup>13</sup> G.E. Mingay, "Conclusion: the progress of agriculture 1750-1850", in G.E. Mingay (ed.), *The Agrarian History of England and Wales, Volume VI 1750-1850* (Cambridge: Cambridge University Press, 1989), pp. 938-946; S. Morgan, *Land Settlement in Early Tasmania: Creating an Antipodean England* (Cambridge: Cambridge University Press, 1992), pp. 77-78; R.M. Hartwell, *The Economic Development of Van Diemen's Land 1820-1850* (Carlton: Melbourne University Press, 1954), pp. 136-37.

<sup>14</sup> Letter of Alexander Reid to Brevet Captain Williams, 24 June 1834, in P.L. Brown (ed.), *Clyde Company Papers; Prologue 1821-35* (London: Oxford University Press, 1941), p. 195.

settlers to accelerate the improvement of their farms too rapidly and thus sometimes drive themselves into great straits".<sup>15</sup>

Settlers also faced environmental challenges that differed from those experienced in Britain. Clearing land was an immediate and heavy task for some farmers. Initial perceptions that the land resembled a gentleman's park rather than uncultivated, unbroken country, changed as knowledge and experience of the island grew.<sup>16</sup> Rather, clearing land was often a prolonged task in areas of new settlement. Henry Widowson's comment that, "the emigrant has not to wage hopeless war with interminable forests, and impregnable jungle", should be measured against the experience of James Sutherland, who was still grubbing out trees, two years after taking up his farm at Rothbury.<sup>17</sup> Indeed, many settlers hated the gum trees in the colony. Finding the landscape so unlike that of Britain, they set about the task of clearing their land with conviction.<sup>18</sup> An extensively similar situation was encountered by farmers as they moved into new land in eastern America in the early nineteenth century. In some areas native Americans had cleared land for corn or pumpkin, but these were only small portions of land. Clearing and enclosing a farm was the labour of many years, if not of a generation.<sup>19</sup>

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<sup>15</sup> Lieutenant-Governor Arthur to W. Huskisson, 1 May 1828, in P. Chapman (ed.), *Historical Records of Australia, Resumed Series III, Volume VII* (Canberra: Australian Government Publishing Service, 1997), p. 296.

<sup>16</sup> S.H. Roberts, *History of Australian Land Settlement, 1788-1920* (London: Frank Cass, 1969), p. 43; W.C. Wentworth, *op. cit.*, pp. 149-50. Early impressions of the eastern Australian colonies that viewed the land in such a way may relate to their witnessing of Aboriginal land management, or fire-stick farming. Arriving Europeans disrupted these practices, and the landscape was irreversibly changed; the introduction of new plants and animals, and clearing of existing woodland having a serious impact; see E. Rolls, "The nature of Australia", in T. Griffiths and L. Robin (eds.), *Ecology and Empire; Environmental History of Settler Societies* (Carlton: Melbourne University Press, 1997), pp. 36-41; H. Lourandos, *Continent of Hunter-Gatherers; New Perspectives in Australian Prehistory* (Cambridge: Cambridge University Press, 1997), pp. 95-97.

<sup>17</sup> H. Widowson, *Present State of Van Diemen's Land* (London: 1829), p. v; Journal of James Sutherland, 14 May 1825, Archives Office of Tasmania, NS 61.

<sup>18</sup> S. Morgan, *op. cit.*, pp. 123-25.

<sup>19</sup> P.W. Gates, "Problems in agricultural history 1790-1840", in D.P. Kelsey (ed.), *Farming in the New Nation* (Washington DC: Agricultural History Society, 1972), pp. 34-40; P.W. Gates, *The Farmer's Age*, pp. 4-6; C.H. Danhof, *Change in Agriculture: The Northern United States 1820-1870* (Cambridge, Mass.: Harvard University Press, 1969), p. 49. The problems of clearing land contrasted

Labour and expense invested in clearing and preparing new farmland may have tended to limit the potential to expend money and time on new farming methods. In initial years of occupation the area that was ploughed would have needed to be exhaustively in crop, to provide some return on the land. A situation prevailed similar to that criticised in America, where the emphasis was on clearing land to replace that which was exhausted, rather than on conserving and manuring, or carefully managing crop rotations.<sup>20</sup> More broadly, it can be argued that what appeared wasteful or incompetent farming to British observers reflected a difference in factor endowments between the colony and Britain. Land in Britain was at a premium, whilst labour remained relatively inexpensive. Such a situation favoured the adoption of intensive farming methods, in which land and stock were carefully and closely managed.<sup>21</sup> Land in Van Diemen's Land was, however, at first freely and latterly relatively cheaply available. As in America, the situation of farmers in the colony favoured extensive rather than intensive methods. Not only did economic conditions in the early phase tend not to favour the adoption of British methods, but such methods were not necessarily applicable to the colony's environment. Soil and climate, in addition to the economic conditions, are important variants in determining the utility of new methods and technology; much agricultural development is necessarily specific to local soils and conditions.<sup>22</sup>

Those commentators who condemned colonial farming methods often failed to consider the problems encountered by people farming new, often largely unknown

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sharply to the difficulties experienced by farmers moving into the Prairies of Iowa in the 1830s. Fencing in the treeless prairies was expensive; materials had to be brought from elsewhere. Gates "Problems in agricultural history" pp. 36-40 notes the importance of timber in farm income, and as building material in eastern America. See A.G. Bogue, "Farming in the Prairie Peninsula, 1830-1890", *Journal of Economic History*, 23 (1963), pp. 3-9. In Van Diemen's Land while clearing may have been a problem, readily available timber was also of value in fencing and building.

<sup>20</sup> P.W. Gates, *The Farmer's Age*, pp. 4-6.

<sup>21</sup> *Ibid.*, p. 3

<sup>22</sup> R. Evenson. "International diffusion of agrarian technology", *Journal of Economic History*, 34 (1974), pp. 53-58.

lands. Actual practical circumstances were not allowed for in their zealous advocacy of improved methods; as a result their judgements are skewed. Settlers' difficulties lay less in ignorance than in the challenge of rapidly assessing and adapting to a wholly new environment.<sup>23</sup> In Australia, America and Ireland practices condemned as wasteful, backward or untidy were often in reality practical and efficient, and where they differed from those in Britain, they often reflected local geographical, economic or social conditions.<sup>24</sup> The emphasis placed by critics on the 'untidy' conduct of poor farming is most revealing of the limitations of their seemingly rational, ordered vision of farming techniques. While discourse theory and agrarian history rarely appear in the same text, the former adds to understanding here. Most critics of 'disorderly' or 'untidy' Van Diemen's Land farming were members of the colonial elite, and fairly consciously bearers of Enlightenment ideology. This elite preferred rationally ordered, bounded landscapes, whose fences, hedges, walls, gates and rectilinear Georgian houses and their associated outbuildings now constitute the landscape of much of lowland Tasmania. The vision these individuals realised is one of rational, progressive, ordered proprietorship. This reconstruction of the landscape from the early small farms which were held by ex-convict and Norfolk Island settlers reveals a new order in colonial power relations; a clear instance of the relation of knowledge and power.

It is evident that early representations of farming in the colony are problematic. By the end of the period under consideration, important developments had taken place in farming, developments that defined for many their understanding of Australia. Ideas of the Australian colonial economy in the 1830s and 1840s were increasingly of a vast pastoral country, exporting huge amounts of wool to Britain.<sup>25</sup> While the

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<sup>23</sup> E. Rolls, *op. cit.*, p. 40.

<sup>24</sup> J. Bell, and M. Watson, *op. cit.*, pp. 229-239; G. Raby, *op. cit.*, pp. 61-69; P.W. Gates, *The Farmer's Age*, pp. 3-30; A.G. Bogue, "An agricultural empire", in C.A. Milner *et. al.* (eds.), *The Oxford History of the American West* (New York: Oxford University Press, 1994), pp. 275-302.

<sup>25</sup> C.D.W. Goodwin, *The Image of Australia: British Perceptions of the Australian Economy From the 18th to the 20th Century* (Durham, North Carolina: Duke University Press, 1974), pp. 8-9.



pastoral industry was certainly important in the economic and social development of Australian society in the nineteenth century, it is equally important to avoid over-inflating its role, or giving it undue primacy. As Noel Butlin cautioned, "one needs to avoid reading history backwards or focusing too much attention on wool"; indeed, throughout the 1830s colonial income from whaling may have been greater than that derived from wool.<sup>26</sup> In assessing farming in the colony, it is necessary to consider the changes in arable and cattle farming, as well as those in sheep husbandry. Taking such a position, it becomes clear that it is unsatisfactory to attribute the developments in farming simply to Commissioner Bigge's recommendation to pursue the production of fine wool, or to the introduction of merino sheep.

Influences towards change came from varied sources. Land policy in the colony favoured settlers with capital, preferring larger commercial farming to small subsistence plots. It can be suggested that such relatively capital-rich settlers were better equipped to stand the expense of improvement, or of new equipment. Educated and wealthy, potentially freed from long-standing traditions of practice, they can be seen as a group more open to the new methods and techniques then being discussed and tested. Raby has noted the importance of the links these settlers maintained with both Britain and America, and the resulting flow of information.<sup>27</sup> These connections might take the form of family members and their correspondence, or equally in this period of migration, personal experience. Joseph and William Archer, both latterly prominent pastoralists in Van Diemen's Land, had settled in America in 1817-1819, before being drawn to the colony by the example of their brother Thomas's success.<sup>28</sup>

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<sup>26</sup> N.G. Butlin, *Forming a Colonial Economy; Australia 1810-1850* (Cambridge: Cambridge University Press, 1994), p. 172.

<sup>27</sup> G. Raby, *op. cit.*, p. 48.

<sup>28</sup> Entry by G.T. Stilwell, in A.G.L. Shaw and C.M.H. Clark (eds.), *Australian Dictionary of Biography, Volume I, 1788-1850* (Carlton: Melbourne University Press, 1966), pp. 24-5.

Information came not only informally to the colony, but also in print. A feature characteristic of the period of agricultural improvement was the number of published works outlining farm practice. Farming textbooks were doubtless among the many items brought out to the colony by arriving settlers. Indeed, popular handbooks on farming were also sold in the colony; in January 1828 the *Colonial Times* carried an advertisement for Anderson's three volume treatise on agriculture, available from their offices.<sup>29</sup> The use of a work such as Anderson's in the colony was, however, problematic. Anderson's text presented the practice of improved techniques in Britain, which were not necessarily immediately applicable to the circumstances of the colony. Until 1822 only such works written in Britain were available in Van Diemen's Land, and as has been shown, they continued in circulation until at least 1828.<sup>30</sup> While not all of the advice in these books was immediately useful or relevant to the colonial farmer, it would be wrong to entirely dismiss them. British farming handbooks contained much material relating to basic methods and practice, which can be considered to have been of use, particularly to those not rich in practical farming experience. The task that faced settlers was not entirely to reinvent farming, rather to adapt and develop practices in line with the colonial environment and economy.

James Dixon's *Narrative of a Voyage to New South Wales and Van Diemen's Land* was published in Edinburgh in 1822, declaring in the subtitle, "Observations on the state of these colonies and a variety of information, calculated to be useful to

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<sup>29</sup> *Colonial Times*, 25 January 1828. James Anderson's work *Essays Relating to Agriculture and Rural Affairs*, first published in London in 1775, went through five editions, in 1775, 1777, 1784, 1797 and 1800, and was printed in London, Edinburgh and Dublin. Fourth (1797) and subsequent editions were in three volumes; that it appears for sale in 1828 raises the possibility that it may have run into subsequent unlicensed editions following Anderson's death in 1808. James Anderson is a figure worthy of note in an Edinburgh thesis. Born in 1730 on a farm at Hermiston, for a time he attended Edinburgh University. From 1771 he published a series of papers on planting in the *Edinburgh Weekly Magazine*. Between 1777-1783 he resided on his farm of 1300 acres at Monkshill in Aberdeenshire. In these years he was amongst those who supported the proposal for a Chair of Agriculture to be instituted at the University of Edinburgh; see G.E. Fussell, *More Old English Farming Books: From Tull to the Board of Agriculture, 1731 to 1793* (London: Lockwood, 1950), pp. 104-105.

<sup>30</sup> S. Morgan, *op. cit.*, p. 77.

emigrants".<sup>31</sup> The utility of the information supplied by Dixon was perhaps less than he had calculated; much of it was rather general and impressionistic. Other accounts followed, offering more detailed and practical advice. In 1824 Edward Curr's volume *An Account of the Colony of Van Diemen's Land* was published, followed in 1829 by Henry Widowson's treatise *Present State of Van Diemen's Land*.<sup>32</sup> Both men wrote with experience of the colony. Widowson had been agent to the Van Diemen's Land Establishment, while Curr had resided in the colony, 1820-23.<sup>33</sup> Their writing provided accounts of prevailing conditions in the colony, and descriptions of the methods of sheep farming; both works considered this the most advantageous pursuit. Widowson, arguably the more detailed and precise of the two, criticised Curr as out-of-date.<sup>34</sup> If Curr's commentary on the colony did rapidly date, then surely his caution on the difficulties of settling did not, although Curr, as Widowson, was ultimately optimistic of the settlers' prospects:

I must add that I have generally found great dissatisfaction and disappointment prevail for the first year or two; but if the settler perseveres beyond that time, and keeps clear of debt; the satisfaction of seeing his honest endeavours crowned with success, and himself in a state of independence, more than repays him for all his sufferings in the early stage of his undertaking.<sup>35</sup>

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<sup>31</sup> J. Dixon, *Narrative of a Voyage to New South Wales and Van Diemen's Land* (Edinburgh: Anderson, 1822), *passim*. Dixon was master of the ship *Skelton*, a vessel that carried migrants to New South Wales and Van Diemen's Land.

<sup>32</sup> E. Curr, *An Account of the Colony of Van Diemen's Land* (London: Cowie, 1824); H. Widowson, *Present State of Van Diemen's Land* (London: 1829).

<sup>33</sup> The Van Diemen's Land Establishment, also known as the Cressy Company, was founded in 1825 as the New South Wales and Van Diemen's Land Establishment. Following losses in 1827, the company withdrew from New South Wales. Widowson was involved in the management of the company's livestock, including Shorthorn and Hereford cattle, and Leicester and Merino sheep; see P.L. Brown (ed.), *op. cit.*, pp. 61-62. Edward Curr later returned to the colony as manager for the Van Diemen's Land Company, another large agricultural company, which held large grants in the north-west of the island. see L. Robson, *op. cit.*, pp. 187-92. Such joint stock companies later found a parallel in American cattle companies on the late 19th century; see R. White, "Animals and enterprise", in C. A. Milner, *op. cit.*, pp. 260-62.

<sup>34</sup> H. Widowson, *op. cit.*, p. x.

<sup>35</sup> E. Curr, *op. cit.*, p. 118. For Curr the settler was unquestionably male, yet it should be noted that women, as independent individuals, or wives, sisters and daughters, shared the privations and work of early settlement. The experiences of these women are vividly illustrated in L. Frost, *No Place for a Nervous Lady* (Carlton: Melbourne University Press, 1983), *passim*.

Thomas Southey's publication in 1831 of *Observations Addressed to the Wool Growers of Australia* was of particular significance. A wool merchant, his writing provided detailed and important information on the preparation of wool for the market, and advice on the improvement of sheep stocks.<sup>36</sup> As Southey's writing indicated the preparation of the fleece was vital to its successful sale. Careful and timely clipping, and the washing of the fleece on the animal's back to remove dust, seeds and other dirt, were of considerable importance. While some have questioned the importance of sheepwashing, it was widely practised.<sup>37</sup> Elaborate methods were developed, and some producers employed hot water and soap, but simple cold water washing in natural running water was commonly carried out (Plate 1.1).

Ideas that arrived in the colony in books, through private connections, or were the innovations and ideas of colonists themselves, were disseminated through personal social networks, and more formally through agricultural societies. On 1 January 1822 an Agricultural Society was formed in Hobart, being the first recorded in Australia. The gloss is, however, taken off this early foundation by the primary aim of the society being to prevent theft, the members undertaking not to exchange spirits for stolen livestock.<sup>38</sup> Theft of livestock and its resetting by these means was indeed an area of concern among settlers in the interior. In July 1825 the *Hobart Town Gazette and Van Diemen's Land Advertiser* alleged:

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<sup>36</sup> T. Southey, *Observations Addressed to the Wool Growers of Australia and Tasmania* (London, 1831). Southey also discussed the introduction of other wool growing animals, a theme he returned to in his subsequent work, T. Southey, *The Rise, Progress and Present State of Colonial Sheep and Wools* (London: Effingham Wilson, 1851). Southey reported attempts to introduce the Alpaca to Van Diemen's Land, the fleece being particularly desired for cloth for clergy men's gowns. It is not clear how successful these later attempts were; see T. Southey, *The Rise, Progress and Present State of Colonial Wool*, pp. 35-37 and 77.

<sup>37</sup> J. Rowe, "An early West-Country sheep farmer in Australia", *Agricultural History Review*, 16 (1968), p. 50 argues that sheep washing was not particularly necessary in the Australian climate. G. Raby, *op. cit.*, pp. 100-11 demonstrates, however, that washing did produce improvement in the value of the fleece.

<sup>38</sup> L. Robson, *op. cit.*, pp. 181-182; G. Raby, *op. cit.*, pp. 120-121; S. Morgan, *op. cit.*, pp. 78-79; E. Curr, *op. cit.*, p. 89.



Plate 1.1 Artist unknown, *The Sheepwash*, c. 1840. Archives Office of Tasmania, 30/2186.

There are Settlers of some apparent respectability in the Interior, who have been named to us as dealing largely in this way, and who by virtue of a few gallons of Rum and a few dollars, have contrived to accumulate considerable herds.<sup>39</sup>

Such concerns aside, interest in the society faltered, and it was wound up in 1825.<sup>40</sup> Although short-lived, and as a result of the subscription fee of five shillings arguably somewhat exclusive, the society is of significance in that it held its first show in December 1822, an important opportunity for the demonstration of new stock.<sup>41</sup> In 1834 the Cornwall Agricultural Society held its first annual stock show, at the back of the Launceston Hotel. Founded in 1833, the Society was concerned with the improvement of agriculture, and in improved livestock, although a membership premium of two guineas rendered its meetings markedly more socially exclusive than its predecessor. Non-members could, however, attend the Society's show, which in 1834 included the exhibition of fine merino and Southdown sheep, and Hereford, Ayrshire and Devon cattle. Indeed, those with sufficient funds had the opportunity to bid for improved stock at the end of the show.<sup>42</sup> Agricultural societies can be understood to have been important in promoting new breeds and developments through their meetings and competitions, and while the memberships were socially limited, it is likely that their influence extended beyond their immediate members.<sup>43</sup> In

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<sup>39</sup> *Hobart Town Gazette and Van Diemen's Land Advertiser*, 8 July 1825.

<sup>40</sup> G. Raby, *op. cit.*, p. 121. The society appears to have been inactive from 1825, although it continued to be listed in certain publications for some years after.

<sup>41</sup> L. Robson, *op. cit.*, p. 181; S. Morgan, *op. cit.*, p. 79.

<sup>42</sup> see L. Robson, *op. cit.*, p. 182; R.M. Hartwell, *op. cit.*, p. 133; G. Raby, *op. cit.*, p. 121. The second show of the Society was held in December 1835. Following their September meeting at White's Hotel, the Society offered premiums for rams, ewes, hoggets, wethers, bulls, cows, oxen, heifers, horses, pigs, and hops. Although the show attracted a 'goodly company of settlers and townfolk, who appeared highly gratified', the *Cornwall Chronicle* was disappointed by the level of competition in some classes. After the show some of the stock were auctioned; see *Cornwall Chronicle*, 3 October 1835 and 5 December 1835.

<sup>43</sup> Other recorded societies include the Southern Agricultural Society (1826), the Midlands Agricultural Association (1838), the Eastern Agricultural Society (1840) and the Launceston Agricultural Society (1838); see G. Raby, *op. cit.*, p. 121; R.M. Hartwell, *op. cit.*, p. 133. While the activities of these societies can less readily be traced, they are likely to have resembled those of the Cornwall

Britain agricultural societies had begun to appear in numbers from the mid-eighteenth century, and were of significance in developing improvement. As in Van Diemen's Land, the annual shows were of particular significance, and doubtless these activities in Britain provided a model, or inspiration for those in the colony.<sup>44</sup> In America, similarly, it can be seen that local agricultural societies were important in demonstrating and promoting new breeds and techniques.<sup>45</sup>

Other less formal, but perhaps more generally attended and regular, gatherings provided opportunities for the discussion of new methods, and the examination of new stock. Foremost among these were auctions of livestock, undoubtedly important social as well as business occasions in the rural calendar. Noted auctions were held at Ross Bridge and Cross Marsh.<sup>46</sup> Alongside the sale of sheep and cattle, in September 1827 machinery was also demonstrated at Ross Market, indicative of the importance of the mart in the colony.<sup>47</sup> Auctions were also held at Launceston, Perth, Campbell Town and elsewhere in the 1830s by prominent auctioneers J.A.Eddie, George Hamilton, J.C. Underwood, James Hume and Richard White.<sup>48</sup> Sales of fat stock were held monthly, for breeding stock less frequently. While the precise conduct of the sales remains largely obscure, going unreported, they presumably offered an opportunity to discuss, see and purchase improved livestock. The social content of the

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Agricultural Society.

<sup>44</sup> N. Goddard, "Agricultural literature and societies", in G.E. Mingay (ed.), *op. cit.*, pp. 370-379. One particular aspect of these shows that appears not to have been reproduced in Van Diemen's Land in this period was the practice of awarding premiums to the best labourer, or to those who had large families raised without recourse to poor relief. Such prizes were in some cases inapplicable, yet in others it can be considered that masters were loath to reward convict servants for their labour. An exception to this may have been the instance of ploughing matches, referred to in G. Raby, *op. cit.*, pp. 133-134. It is not clear, however, that these were common events.

<sup>45</sup> C.H. Danhof, *Change in Agriculture*, pp. 60-64; P.W. Gates, *The Farmer's Age*, pp. 314-316.

<sup>46</sup> H. Widowson, *op. cit.*, p. 87.

<sup>47</sup> *Colonial Times*, 14 September 1827. R.M. Hartwell, *op. cit.*, p. 130 describes the machinery in question as an experimental reaper. The description in the paper, however, does not describe a device for reaping, but rather for 'cutting the sward'.

<sup>48</sup> For example notices of forthcoming sales in *Cornwall Chronicle*, 14 November 1835, 3 October 1835, 26 March 1836, 5 September 1835, 6 February 1836, 14 February 1835 and 4 April 1835.

sales is also of significance, as it was through such informal links that ideas and experience could be shared.

While much of the advice and information current in the colony doubtless conflicted, on one topic most authorities agreed. Widowson declared, "every person who emigrated with the idea of following the pursuits of a farmer and grazier, should in my opinion, make a flock of sheep his peculiar study".<sup>49</sup> Edward Curr wrote, "while such large profits are to be derived from stock, agriculture will scarcely be worth the undivided attention of the settler".<sup>50</sup> Indeed, pastoralism has tended to be to the fore in discussions of Australian farming in this period.<sup>51</sup> Certainly the pastoral boom was important in the colony. It generated wealth and helped constitute the shape of society. In order to understand fully the sheep industry in Van Diemen's Land, however, it is necessary to look not only to the immediate circumstances of the colony, but also to the global interest in merino sheep.

Sheep were included in the plans for the initial settlement of the colony at Risdon Cove in 1803, each of the settlers was to be provided with two ewes from the government stock.<sup>52</sup> From such beginnings, numbers of sheep in the colony grew, both through natural increase and importation. In the south of the colony sheep numbers were stated in 1819 as 85,483 ewes and 39,400 rams, a significant flock. By 1821 the sheep stock of the island was 182,468 animals.<sup>53</sup> The rate of increase was certainly impressive, sheep producing three lambs in two years. Commentators in

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<sup>49</sup> H. Widowson, *op. cit.*, p. 141.

<sup>50</sup> E. Curr, *op. cit.*, p.p. 24-25.

<sup>51</sup> Many historians have either passed over arable farming entirely, or portrayed it as less important than wool in the rural economy. See for example A.G.L. Shaw, "History and development of Australian Agriculture", in D.B. Williams (ed.), *Agriculture in the Australian Economy* (Sydney: Sydney University Press, 1982), pp. 1-7; S.H. Roberts, *op. cit.*, pp. 43-48; L. Robson, *op. cit.*, pp. 259-66. Robson typically of conventional opinion does recognise the wheat industry but posits the wool industry as the chief area of growth, wealth and influence.

<sup>52</sup> S. Morgan, *op. cit.*, p. 6; L. Robson, *op. cit.*, pp. 33-4.

<sup>53</sup> S. Morgan, *op. cit.*, p. 67; R.M. Hartwell, *op. cit.*, p. 118. While Morgan's figure relates only to the south of the island, it is revealing in the sexual balance of the herd it suggests.



the 1820s were, however, less impressed by the quality of the flock. Commissioner Bigge found the stock to be derived of Bengal, Teeswater and Leicester breeds. Further, he found that the sheep were ineffectually managed. They were allowed to run together, which naturally confounded any attempts at selective breeding.<sup>54</sup> While the precise nature of the early nineteenth-century Bengal sheep is now obscure, James Atkinson's contemporary description is illustrative, not least of the low regard the animals came to be held in; "a very unsightly and diminutive race, covered with long coarse hair, and more resembling the goat in appearance".<sup>55</sup> Widowson provided his readers with a yet more unflattering description:

The sheep first imported into Van Diemen's Land came from Bengal direct ... I cannot refrain from recommending you to have nothing to do with them ... Their form, as near as possible, is this: a very large head, Roman nose, slouch ears, extremely narrow shoulders, very high curved back, and a coarse hairy fleece; these bad qualities, with four tremendous long legs, give a faithful representation of the native sheep.<sup>56</sup>

While such critics pilloried the poor qualities of the Bengal sheep, it should be noted that they had been crossed with Teeswaters and Leicesters to an extent to which, writing in 1823, Bigge considered the traces of the Bengal breed to be largely extinct.<sup>57</sup>

Developing interest in wool production rather than mutton in the 1820s, was an important factor in shaping these criticisms of early sheep. Australian wool encountered during Bigge's tour was coarse, equating in the market to Cheviot or Southdown fleeces; the value of the fleece and the stock contrasted strongly to the later

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<sup>54</sup> J.T. Bigge, *Report of the Commissioner of Inquiry on Agriculture*, pp. 27-28.

<sup>55</sup> J. Atkinson, *An Account of Agriculture and Grazing in New South Wales* (London: Cross, 1844), p. 114. Atkinson's account was originally published in 1826. As a result it tends to express 1820s ideas in the merits of the merino over other breeds.

<sup>56</sup> H. Widowson, *op. cit.*, p. 142.

<sup>57</sup> J.T. Bigge, *Report of the Commissioner of Inquiry on Agriculture*, p. 27.

ideal for superfine merino wool.<sup>58</sup> It would be a mistake to dismiss this livestock as readily as contemporary critics. The fleece was certainly unimproved, but production of wool was not an important objective. Rather, the emphasis was on the production of mutton, for sale to the Commissariat Store and for direct consumption. Where no market for wool existed, it was either utilised on the property, or even discarded. John West noted that prior to the introduction of merinos, and the improvement of colonial wool: "the fleece was considered worthless. The operation of shearing was often delayed until the sheep were injured: it was a deduction from the profit. The wool was burned, or thrown into the stock yards as manure".<sup>59</sup>

While the importance of wool plainly grew in the period in question, production of mutton for the colonial market continued apace. In August 1835 the *Cornwall Chronicle* announced:

The finest specimen of turnip fed mutton that has ever come under our observation is now exhibited at Mr William Deanes in Patterson Street [Launceston]. It is the feed of Mr. Andrew Gatenby, of the Macquarie River, and certainly is highly to his credit.<sup>60</sup>

The potential for expansion of the sheep meat industry in the colony was necessarily limited by the size of the relatively small local market. Exports of salted meat were possible, though this was generally consumed by the marine trade, rather than by private consumers. Similarly, canning meat for export in the later nineteenth century tended toward the institutional market, due to consumer tastes, and importantly the large size of the cans utilised; they held from four to six pounds of meat. It was not ultimately until the 1880s that successful frozen exports were made to the British

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<sup>58</sup> J. Ritchie, *op. cit.*, pp. 273-274.

<sup>59</sup> J. West, *The History of Tasmania, Volume 1* (Launceston: Dowling, 1852; edition used Adelaide, Libraries Board of South Australia, 1966), pp. 72-73; see also J. Dixon, *op. cit.*, p. 50.

<sup>60</sup> *Cornwall Chronicle*, 29 August 1835. Turnips were grown in significant quantities in the colony, although an earlier authority had recommended against the use of turnips as fodder, for fear of breaking or wearing out the sheep's teeth, thereby shortening their life; see J. Atkinson, *op. cit.*, p. 120.

market. Again due to consumer tastes these exports were placed in the lower end of the market.<sup>61</sup>

Wool exports did not face the same problems of spoilage. Transportation costs were, however, an important variable in the success of the pastoral industry. Whilst not a heavy product, raw wool is certainly bulky relative to its value. Reduction of the bulk of the clip, through the shift towards bales of wool compacted in the wool press, rather than the traditional sheet, was therefore a significant development in the export industry. Moreover, the price of shipping freight decreased in the 1830s, stimulating pastoral exports.<sup>62</sup> Viable pastoral exports required the development of a marketable fleece for a re-articulation of sheep breeders towards a different market. John Macarthur has been conventionally viewed as the founding father of the merino fine wool industry in Australia. Indeed, Macarthur imported merinos to New South Wales in 1805, and his first bale of colonial wool was sold at Garroway's coffee house in London in 1807.<sup>63</sup> Even before Macarthur there had been small importations of merinos to New South Wales in the 1790s, but he was unusual in maintaining and developing his flock throughout the period 1805-1820. Further, Macarthur had petitioned for a large grant of land in 1801 on the basis of his belief in the potential of the wool industry.<sup>64</sup>

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<sup>61</sup> K.T.H. Farrer, "Australian meat exports to Britain in the nineteenth century", Sir Robert Menzies Centre for Australian Studies, Working Paper 38 (London: Institute of Commonwealth Studies, 1988), pp. 1-13. Throughout the nineteenth century America was a key technological and market competitor with Australian preserved meat products; see R. White, *op. cit.*, p. 256. It should be noted that the export of preserved meat was of particular importance in both Van Diemen's Land and New South Wales during the pastoral slumps in the nineteenth century, providing a return on otherwise largely worthless stock.

<sup>62</sup> F.J.A. Broeze, "The cost of distance: shipping and the early Australian economy 1788-1850", *Economic History Review*, 28 (1975), pp. 582-97; G. Raby, *op. cit.*, pp. 100-101. Broeze p. 597 suggests that baled wool could compact the bulk of the clip by three-quarters. For a detailed discussion of the development of wool presses in the nineteenth century see F. Wheelhouse, *Digging Stick to Rotary Hoe; Men and Machines in Rural Australia* (Melbourne: Cassell, 1966), pp. 155-62.

<sup>63</sup> G. Day and J. Jessup, *The History of the Australian Merino* (Richmond, Victoria: Heinemann, 1984), pp. 11-15; M.L. Ryder, *Sheep and Man* (London: Gerald Duckworth, 1983), pp. 610-613.

<sup>64</sup> A. Atkinson, *Camden; Farm and Village Life in New South Wales* (Melbourne: Oxford University Press, 1988), pp. 10-11; G. Raby, *op. cit.*, pp. 25-32.

To understand the interest of Macarthur and other early settlers and commentators in the merino sheep, it is necessary to view it within the global context. Macarthur acted as part of a world-wide interest in establishing flocks of merinos. The export of merinos from Spain was formerly forbidden by royal decree, and the sale of merino wool a central part of the Spanish rural economy. During the eighteenth century this monopoly was eroded and made ultimately unsustainable by the course of the Napoleonic Wars. In 1723 merinos were taken to Sweden, in 1765 300 sheep were presented to the Elector of Saxony by the Spanish Crown and in 1775 the Empress of Hungary was allowed to import 300 sheep.<sup>65</sup> Throughout the eighteenth and nineteenth centuries Britain and France had competed with each other to control access to Spanish wool. Both sought to establish flocks in the 1770s. The French national stud was established in 1773 at Rambouillet by Louis XVI. Initial British attempts were less successful. Lord Sommerville was under commission in 1778 to negotiate in Spain for merinos, only to fail. Instead, he returned with some animals smuggled via Portugal. Lord Sommerville's sheep were not, however, fine woolled Spanish merinos. A direct application from George III was answered with thirty ewes and four rams, the beginnings of the Windsor Park flock in 1798.<sup>66</sup> Stewardship of the royal flock rested with Joseph Banks, who had since 1782 promoted the virtues of the breed, and latterly experimented with various crosses. Banks relinquished control of the herd in 1803, yet continued his interest in the breed, establishing a British Merino Society in 1811. Interest in merino wool production in Britain waned decisively in the 1820s, when in addition to perhaps disappointing development of the

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<sup>65</sup> H.B. Carter, *His majesty's Spanish Flock; Sir Joseph Banks and the Merinos of George III of England* (Sydney: Angus and Robertson, 1964), pp. 2-7; G. Day and J. Jessup, *op. cit.*, pp. 6-8. The sheep presented to Saxony were intended to assist in the reconstruction of the Saxon economy following the Seven Years War; Saxon wool became very successful in the European market, and livestock was also exported from Saxony.

<sup>66</sup> G. Day and J. Jessup, *op. cit.*, pp. 8-10; H.B. Carter, *op. cit.*, pp. 7 and 115-189.

fleece, many believing the climate did not favour fine wool, a dip in wool values again concentrated attention on mutton production.<sup>67</sup>

Interest in merinos was significant in other areas of expanding agricultural settlement. Colonel David Humphreys imported twenty-one rams and seventy ewes to Connecticut in 1802.<sup>68</sup> Further American imports of Saxon and Rambouillet merinos occurred, although high costs of imported livestock limited the ownership of these breeds. Indeed, high costs, coupled with variable returns, vexed the development of pastoralism in the United States. Capital moved towards cattle herds, developed from the imported short horn, and this form of livestock production long dominated the livestock sector of the rural economy of the United States. In the late nineteenth century there was, however, a resurgence of interest in merinos, and further stock imported from French and Spanish flocks to the American west.<sup>69</sup>

Merinos were first exported to South Africa in 1790, whilst still under Dutch East India Company rule, and by 1812 fine wool production was established in the (now British) colony.<sup>70</sup> Wool from the Cape was initially less favoured in the British market as it was not clean, often containing sand and dust.<sup>71</sup> Such problems were not, however, insurmountable. While the packing and preparation of the Cape wool clip for the market may not have improved as rapidly as that of the Australian colonies, with experience and direction from merchants it did progress.<sup>72</sup> By the 1830s South African wool had established a significant place in the British market; in 1833, 133,000 pounds of Cape wool was exported to Britain. In 1839 Cape wool exports to

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<sup>67</sup> H.B. Carter, *op. cit.*, 185-189; G. Day and J. Jessup, *op. cit.*, pp. 12-14.

<sup>68</sup> S. Powers, *The American Merino: For Wool and for Mutton* (New York: Orange Judd, 1891), pp. 11-12; G. Day and J. Jessup, *op. cit.*, pp. 10-11.

<sup>69</sup> C.H. Danhof, *Change in Agriculture*, pp. 164-169; R. White, *op. cit.*, pp. 266-69.

<sup>70</sup> W.M. McKee, *South African Sheep and Wool* (Cape Town: Maskew Miller, 1913), pp. 6-16; G. Day and J. Jessup, *op. cit.*, p. 8.

<sup>71</sup> T. Southey, *The Rise Progress and Present State of Colonial Sheep and Wools*, p. 71

<sup>72</sup> D. Denoon, *Settler Capitalism; The Dynamics of Dependent Development in the Southern Hemisphere* (Oxford: Clarendon Press, 1983), pp. 117-118.

Britain totalled 1,429,000 pounds.<sup>73</sup> This expansion was fuelled by the emigration to the Cape of wealthy British settlers who had the capital to invest in the further introduction of European merino sheep.<sup>74</sup> While this period is marked by the development of the export wool industry, it should be noted that Cape fat-tailed sheep continued to be of importance in supplying the meat and hide market. A stratification can be suggested between those wealthier pastoralists who maintained herds of merinos, and those who farmed indigenous Cape breeds. Expanding pastoral wealth created social elevation for those engaged in wool growing.<sup>75</sup> In the same period merino wool production was attempted by European settlers in South America. Merinos were imported from Spain and Germany to Argentina in 1812. British settlers also introduced merinos from European and Australian flocks to Chile in the 1840s.<sup>76</sup> Such instances offer further evidence of the widespread interest in producing fine merino wool for the British import market.

Such was the interest and trade in merinos that in his treatise on sheep written in 1840 Ambrose Blacklock declared, "at present [merinos] may be found in almost every part of the world".<sup>77</sup> Blacklock, a veterinary surgeon from Dumfries, noted also, however, that in many instances, including in Britain, the merinos had not

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<sup>73</sup> T. Kirk, "The Cape economy and the expropriation of the Kat River Settlement, 1846-53", in S. Marks and A. Atmore, *Economy and Society in Pre-Industrial South Africa* (London: Longman 1980), p. 229.

<sup>74</sup> *Ibid.*, pp. 230-231; R. Ross, "The origins of capitalist agriculture in the Cape Colony: A survey", in W. Beinart, P. Delius and S. Trapido (eds.), *Putting a Plough to the Ground; Accumulation and Dispossession in Rural South Africa, 1850-1939* (Johannesburg: Ravan Press, 1986), pp. 65-55.

<sup>75</sup> C. Bundy, "Vagabond Hollanders and Runaway Englishmen: White poverty in the Cape before Poor Whiteism", in W. Beinart, P. Delius and S. Trapido (eds.), *op. cit.*, p. 107. Indigenous breeds of sheep and cattle were raised by the Afrikaner *Veeboers* (livestock farmers) for the meat market in Cape Town. Commercial flocks and herds of this type continued to be of importance despite the growing significance of wool production for many wealthier stockholders; see S. Newton-King, *Masters and Servants on the Cape Eastern Frontier, 1760-1803* (Cambridge: Cambridge University Press, 1999), pp. 185-92.

<sup>76</sup> M.L. Ryder, *Sheep and Man* (London: Duckworth, 1983), pp. 584-585.

<sup>77</sup> A. Blacklock, *A Treatise on Sheep* (Glasgow: McPhun, 1840), p. 7.

attained the success predicted. Profits anticipated from wool were offset by the loss of carcass and the consequently depreciated value as mutton.<sup>78</sup>

Merinos were introduced to New South Wales, and latterly Van Diemen's Land as part of this global interest in the breed. Livestock imported to Van Diemen's Land was derived from a number of sources. In 1820, 300 merinos were imported from John Macarthur's flock. The 181 sheep surviving the voyage across the Bass Strait were auctioned at Hobart. Other sheep came direct from Europe. Indeed, some settlers brought sheep with them when they emigrated. Thomas Henty had purchased stock from the first sale from the royal herd at Kew in 1804, as had John Macarthur, and the descendants of this stock formed part of his capital when he settled in the colony.<sup>79</sup> Large joint stock companies were also significant in importing, and reselling stock. The Van Diemen's Land Company imported merinos, Leicesters, Cheviots and Cotswolds, and the progeny of these sheep were sold in the colonial market.<sup>80</sup> Sheep numbers in the colony rose significantly and rapidly in the 1820s, exceeding one million by 1838.<sup>81</sup>

The quality and purity of some of this increase was open to question. Following a dispute with a Mr. Gregson, concerning whose fault it was that loaned rams had become infected with scab, in 1824 James Sutherland raged in his journal:

Bravo! bravo! friend Gregson - In a word one of your rams i.e. a horribly ugly creature - He will be of great value to breed from when Hair shall become of as great value as wool; 'But not till then' as Lord Byron once said to Doctor Southey.<sup>82</sup>

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<sup>78</sup> *Ibid.*, pp. 9-10.

<sup>79</sup> S. Morgan, *op. cit.*, pp. 59-60; G. Day and J. Jessup, *op. cit.*, pp. 11 and 35.

<sup>80</sup> G. Day and J. Jessup, *op. cit.*, see also for example *Cornwall Chronicle*, 17 October 1835, Notice of Sale of Saxon Rams by the Van Diemen's Land Company.

<sup>81</sup> R.M. Hartwell, *op. cit.*, p. 118.

<sup>82</sup> Journal of J.C. Sutherland, 21 May 1824, AOT NS 61. This is a rather surprising literary allusion in Sutherland's writing. He refers to the literary conflict between Lord Byron and Robert Southey, poet Laureate 1813-43. Southey's earnest verse was satirised by Byron, and the two berated each other in prefaces to their works. It was Southey's stance as Laureate on the suppression of public dissent and sedition that fuelled Byron's attacks; see L.A. Marchand, *Byron: A Portrait* (London: John Murray, 1971), pp. 57, 288-289 and 351. Sutherland's reference to this matter in the context of sheep

More generally, Commissioner Bigge had noted the paucity of enclosed paddocks, and this situation was neither universally nor rapidly remedied. Where efforts were made to practise selective breeding, these could also be subverted by unfortunate, unskilled, or wilfully neglectful convict servants. On 1 September 1836 Thomas Archer took assignee Edward Cushing before the Longford magistrate charged with allowing a number of ewes to get into a paddock with rams of a different breed, with obvious results.<sup>83</sup>

Van Diemen's Land offered an environment that was favourable to sheep farming. The colony contained few natural predators. There were no dingoes, as there were in New South Wales. Tasmanian Tigers were hunted as predators on sheep, and a bounty paid for them by the Van Diemen's Land Company, yet the number of sheep lost in this way may not have been great.<sup>84</sup> Widowson's writing also suggested birds as a damaging predator, "Crows are very destructive to young lambs; the eagles (although not very common) also occasionally dart upon and carry them away in their talons". As a response to this danger, he recommended that during lambing shepherds should be provided with a gun, cautioning that, "by no means allow them to have such an engine constantly, or your sheep will be neglected for the better sport of wild duck shooting".<sup>85</sup> Disease did not particularly affect sheep in the

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is unusual, but is of interest in that it suggests something of his cultural context. Cultural and literary tastes among early settler society in Van Diemen's Land are not well documented.

<sup>83</sup> Charge against 1514 Edward Cushing, *per Lotus*, 1 September 1836, LC 362/3. Cushing received 36 lashes for this offence.

<sup>84</sup> J. West, *op. cit.*, pp. 322-323; H. Widowson, *op. cit.*, p. 149; W.C. Wentworth, *op. cit.*, pp. 118-119; B.V. Fennessy, "Competitors with sheep: mammal and bird pests of the sheep industry", in A. Barnard (ed.), *The Simple Fleece* (Melbourne: Melbourne University Press, 1962), pp. 221-225.

<sup>85</sup> H. Widowson, *op. cit.*, pp. 151-152. See also J. Backhouse, *A Narrative of a Visit to the Australian Colonies* (London: Hamilton Adams, 1843), p. 152. Backhouse p. 122 suggested that in addition to dogs, Tasmanian Tigers (thylacines) and eagles, Tasmanian Devils were a further predator: "Another animal of the same tribe, but black, with a few irregular white spots, having short legs, and being about the size of a terrier, is commonly known by the name of the Devil, or the Bush Devil: it is very destructive to lambs". It is not clear that the Devil was particularly destructive to sheep flocks.



island, despite the high numbers and very varied origins of the stock, which might have tended to introduce various infections to the flock. Van Diemen's Land did not experience an epidemic of disease among its sheep flocks, in contrast to New South Wales, which was severely affected by lethal sheep catarrh in the 1830s.<sup>86</sup> Scab, however, was a persistent problem among sheep flocks throughout the period, manifesting itself as sheep itching, and losing or pulling out wool; the condition could ultimately reduce the condition of the sheep to their eventual death.<sup>87</sup> Affected sheep were treated with a dressing made from a solution of tobacco.<sup>88</sup> This form of dressing was in use in Britain, and was the accepted treatment for scab.<sup>89</sup> While there were vets in the colony, as in Britain their attention was directed towards gentlemen's horses rather than commercial stock.<sup>90</sup> Given the expense of veterinary surgeons, convicts with traditional skills, such as those of John Taylor, assigned to Thomas Archer,

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<sup>86</sup> J.M.R. Cameron, "The Catarrh Act of 1838" *The Push From the Bush*, 18 (1984), pp. 49-65. Sheep catarrh was a form of influenza. It was readily transmitted, pasture remaining infected for several months, and killed stock within hours of detection. First noted in 1834, it remained widespread until the 1850s, disappearing in the 1860s. The only response to the disease was to remove and slaughter affected stock, burning or boiling down the carcase. The 1838 Act attempted to control stock movements, but had limited success in curbing the disease. While the response to sheep catarrh may appear largely ineffectual, it should be considered alongside the British government's inactivity in reacting to the outbreak of foot and mouth disease in England in 1839. During the cattle-plague (rinderpest) of 1714-15 the government had instigated a programme of quarantine, slaughter and compensation. This was not the case in 1839-41, nor the following outbreak of pleuro-pneumonia. Not until a further outbreak of cattle-plague in 1865-66 did government in Britain actively intervene. See J. Brown and H.A. Beecham, "Animal diseases and veterinary science", in G. E. Mingay (ed.), *op. cit.*, pp. 358-361.

<sup>87</sup> H. Widowson, *op. cit.*, p. 153; E. Curr, *op. cit.*, p. 77; S. Morgan, *op. cit.*, pp. 62-63.

<sup>88</sup> E. Curr, *op. cit.*, p. 77; Journal of J.C Sutherland, 15 May 1824, 16 June 1824 and 30 March 1826 AOT NS 61: "Brought the flock into the Yard and had many of the sheep effectually dressed with A decoction of wattle bark and tobacco"; *Cornwall Chronicle*, 3 October 1835, Advertisement, "On Sale, at the Store of the undersigned, Tobacco Stems of good quality, suitable for making Sheep Wash - John Cape".

<sup>89</sup> M.L. Ryder, *op. cit.*, p. 709; M.J.H. Robson, "History and Tradition of Sheep-Farming in the Scottish Border Hills", unpublished PhD Thesis, University of Edinburgh, (1977), pp. 348-349; A. Duncan, "A treatise on the disease of sheep; drawn up from original communications presented to the Highland Society of Scotland", *Prize Essays and Transactions of the Highland Society of Scotland*, III (1807), pp. 424-427; A. Blacklock, *op. cit.*, pp. 178-81.

<sup>90</sup> J. Brown and H.A. Beecham, *op. cit.*, p. 361; see for example *Hobart Town Gazette and Van Diemen's Land Advertiser*, 8 July 1825, Advertisement of Veterinary Surgeon James Crisp, Elizabeth Street, Hobart. His notice announced his business was horses, and he would be "visiting Launceston ... for the purposes of castrating horses". He also engaged in horse-breaking for his clients.

would have been highly valued; Taylor described himself as “groom, horse doctor and spayer”.<sup>91</sup>

The precise beginnings of significant Australian wool exports have been debated.<sup>92</sup> While it is not fruitful to revisit these arguments in detail, they do offer a useful note of caution in assessing the progress of pastoralism in this period and tend to counter an understanding that posits wool as unquestionably the most important pastoral product. Livestock returns demonstrate the considerable growth of sheep flocks in the period 1820-40 (see Table 1.1). Further, returns of wool exports demonstrate expansion and by 1840 Australian wool was central in the British fine wool market. Redirection of the rural economy cannot, however, be seen as a rapid phenomenon. Improvements in stock described above were gradual and uneven. Preparation of the clip for the market was only improved over time, with experience and instruction from wool merchants. Acceptance in the market place was not immediate, but could only accrue with consistent exports of quality wool. It should also be noted that colonial wool growers gained from the depression of the English wool market 1825-28, which caused a redirection of capital to colonial production, and left merino prices less affected.<sup>93</sup> Hence, while wool was exported from the colony in the 1820s, and the foundations of the fortunes of prominent wool merchants such as Henry Hopkins and Henry Reed were laid in this period, the industry developed

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<sup>91</sup> 353 John Taylor, *per Chapman* (2), Con 18 Description Lists; Home Office 10/47 Muster of Convicts in Van Diemen's Land 1830; Con 31 Conduct Register. Given Taylor's skills it is of added significance that he remained in Archer's employment until he gained his ticket-of-leave, and no offences are recorded against his name.

<sup>92</sup> E.A. Beever, "The origin of the wool industry in New South Wales", *Business Archives and History*, V, (1965), pp. 91-106; J.P. Fogarty, "The New South Wales Pastoral Industry in the 1820s", *Australian Economic History Review*, VIII (1968), pp. 110-122; E.A. Beever, "Further comments on the origin of the wool industry of New South Wales", *Australian Economic History Review*, VIII (1968), pp. 123-128; J.P. Fogarty, "New South Wales Wool Prices in the 1820s: A Note", *Australian Economic History Review*, IX (1969), pp. 71-77; E.A. Beever, "A reply to Mr. Fogarty's note", *Australian Economic History Review*, IX (1969), pp. 78-80. While both Fogarty and Beever address New South Wales, their argument can be applied to Van Diemen's Land and the placement of Australian wool as a whole in the British market.

<sup>93</sup> E.A. Beever, "The origin of the wool industry", pp. 91-104; E.A. Beever, "Further comments", pp. 123-125.

gradually, and should not be represented as having immediately assumed primacy in the rural economy.<sup>94</sup>

Alongside the development of sheep in the colony, cattle herds were also improved, although they did not increase on a similar scale (see Table 1.1). Initial cattle stocks in Van Diemen's Land derived from Bengal stock. Raising beef cattle did not entail intensive labour. Curr described beef farming: "They breed very fast, and are kept at very little expense to their owner, one man being sufficient to look after a hundred head, where they require constant attendance during the day and are yarded every night".<sup>95</sup> Widowson's later account suggested that two or three stockmen might herd between six and eight hundred head of cattle.<sup>96</sup> Plainly used to a near wild existence, these herds were difficult to handle, and while they might be run extensively for beef, were ill-suited to the close handling of dairying. As Curr somewhat hyperbolically remarked; "Wolves are not more savage, nor antelopes more swift, than many of the cows I have seen the farmers attempt to milk".<sup>97</sup> Importation of improved stock from Britain contributed to the improvement of the colonial herd. Numerous breeds were brought to the colony; Herefords, Durham, Devon and Fifeshire breeds were listed by Widowson.<sup>98</sup> Stock and methods of beef farming brought to the colony primarily by the Van Diemen's Land Company and the Van Diemen's Land Establishment in the 1820s, were influential in the movement away from running cattle virtually wild in the interior, as had formerly been the case.<sup>99</sup> Dairy farming in the colony increased with importation of British milking breeds, yet remained insufficient to meet internal demand. Widowson suggested that dairies might be favourably

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<sup>94</sup> R.M. Hartwell, *op. cit.*, pp. 116-117; L. Robson, *op. cit.*, p. 169.

<sup>95</sup> E. Curr, *op. cit.*, p. 84-87.

<sup>96</sup> H. Widowson, *op. cit.*, p. 160.

<sup>97</sup> E. Curr, *op. cit.*, p. 85.

<sup>98</sup> H. Widowson, *op. cit.*, p. 163.

<sup>99</sup> S. Morgan, *op. cit.*, pp. 68-69; R.M. Hartwell, *op. cit.*, pp. 124-125.

operated, yet labour requirements and problems of transporting fresh dairy produce conspired to make dairying an uncertain venture.<sup>100</sup>

Cattle were of particular significance in the colony as draught animals. In much of Britain horse power had largely displaced oxen by the mid-eighteenth century. During the Napoleonic Wars there was a resurgence of the use of oxen, as a result of the demand for horses by the military, and indeed during these years the relative merits of horses and oxen were the subject of some debate.<sup>101</sup> The continued use of oxen in the Australian colonies was seen, however, as a sign of backwardness by John Hood in his account of travels in 1841; at Richmond, New South Wales, he considered that he witnessed, "the first real agriculture I have met with in the colony. Ploughs with two horses instead of half a score of bullocks".<sup>102</sup> Oxen presented, however, a number of advantages in Van Diemen's Land. Horses were expensive, and those generally available were for riding rather than heavy work. In contrast oxen were readily available from the cattle herd. Unlike working horses that were fed on grain, oxen could simply be turned loose to graze after work, and hence were cheaper to feed. Such a system had clear disadvantages, as James Sutherland found to his expense; on more than one occasion a day's work was lost while the oxen wandered grazing in the bush.<sup>103</sup> In addition, once oxen were unfit for work they could be fattened for slaughter. Bullock carts remained the distinctive Australian form of

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<sup>100</sup> S. Morgan, *op. cit.*, pp. 70-71; R.M. Hartwell, *op. cit.*, pp., 124-125. Advertisements continued to appear throughout the 1830s for imported butter and cheeses; see for example, *Cornwall Chronicle*, 18 April 1835 and 5 September 1835.

<sup>101</sup> M. Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy 1500-1800* (Cambridge: Cambridge University Press, 1996), p. 125; M. Watts, *Working Oxen* (Princes Risborough: Shire, 1999), pp. 8-11; J. Brown and H.A. Beecham, "Farming practices", in G.E. Mingay (ed.), *op. cit.*, pp. 289-90.

<sup>102</sup> J. Hood, *Australia and the East; Being a Journal Narrative of a Voyage to New South Wales* (London: John Murray, 1843), p.258.

<sup>103</sup> See for example Journal of James Sutherland, 17 April - 9 May 1825, AOT NS 61; during this time Piebald, one of the working bullocks, was lost.

haulage throughout the nineteenth century, not only in the agrarian economy, but also associated with the gold rushes and other mining activities, and timber hauling.<sup>104</sup>

Pigs occupy an uncertain place in the agrarian history of the colony. Official agricultural returns provide no enumeration of pigs.<sup>105</sup> Other evidence reveals that pig keeping certainly was part of the colonial scene. In Hobart, untethered pigs caused a public nuisance, rooting up gardens and harassing persons in the street.<sup>106</sup> Settlers often kept a small number of pigs, principally for personal use.<sup>107</sup> That pigs were kept in small numbers in both urban and rural Van Diemen's Land is generally unsurprising, although certainly not insignificant. Pigs were an important part of both urban and rural domestic economy in contemporary Britain. Indeed, it was perhaps this every day unremarkability that has contributed to the general neglect of pigs in accounts of the colony. Less expected are large piggeries; in Britain it has been argued that large piggeries were not a feature until the late nineteenth century.<sup>108</sup> The final dispersal sale of George Hobler's farm stock and implements in March 1836 listed among livestock for sale 200 store pigs.<sup>109</sup> A sale of pigs of this size is indicative of pig-rearing on a significant scale. Given that Hobler ran a dairy, his interest in pigs is

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<sup>104</sup> L. Braden, *Bullockies* (London: Angus and Robertson, 1969), pp. 1-18. While markedly less common than horses, oxen persisted in use on some British farms until the close of the nineteenth century; see M. Watts, *op. cit.*, pp. 13-14.

<sup>105</sup> Returns of Agricultural produce and livestock, Van Diemen's Land, CSO 49. These listed horned cattle, horses, sheep and goats.

<sup>106</sup> S. Morgan, *op. cit.*, p. 73. Pig-keeping in towns and cities was a feature common to British life. Such pigs were often allowed free run of back streets, and consequently posed a nuisance. Ringing pigs noses was practised to prevent them grubbing and burrowing; see R. Malcomson and S. Mastoris, *The English Pig; A History* (London: Hambledon Press, 1998), pp. 41-42 and 77-79. In Sydney in 1796-97 loose pigs had similarly posed a problem, ringing being ordered by government, before a policy of shooting loose animals was temporarily adopted; AONSW, New South Wales Colonial Secretary Government and General Orders Mitchell Library Safe 1/18b, AO Reel 6037, 19 July 1796, 27 February 1797 and 27 March 1797.

<sup>107</sup> Journal of J.C. Sutherland, 23 May 1825, NS 61; S. Morgan, *op. cit.*, p. 73, see also references to pig styes in H. Widowson, *op. cit.*, pp. 136-137.

<sup>108</sup> R. Malcomson and S. Mastoris, *op. cit.*, p. 41.

<sup>109</sup> *Cornwall Chronicle*, 5 March 1836, Notice of Sale at Killafaddy by Mr. J.A. Eddie. Store livestock is that which has yet to be fattened for slaughter.

perhaps less remarkable. Pigs were commonly kept in association with milk-cows, as they consumed waste, such as skimmed milk and whey, turning it into profitable pork and bacon.<sup>110</sup> Nor can an interest in pigs be seen to have been confined purely to the small holder or commercial keeper. The Agricultural Society show schedule printed in 1835 listed among prize classes two for pigs; for the best boar of any age, and the best sow of any age, both to be awarded two guineas.<sup>111</sup> Pig classes at the show are suggestive of gentlemanly interest in pigs. It is plausible that such interest extended to the introduction of improved pig breeds then current in Britain.<sup>112</sup> Whilst not of primary importance to the rural economy, pigs were certainly a more general feature of the colonial landscape than has commonly been recognised.<sup>113</sup> In this context it should be noted that salt pork was among the first items exported from the colony.

Grain formed the most important early rural export from Van Diemen's Land, and continued to be exported to New South Wales throughout the 1820s and 1830s. In contrast to this evident importance, however, grain has tended to be poorly represented in the historiography of farming in the colony. Contrasted to a "flourishing wool industry", Stephen Roberts perceived a "languishing agriculture

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<sup>110</sup> R. Malcolmson and S. Mastoris, *op. cit.*, p. 37.

<sup>111</sup> *Cornwall Chronicle*, 13 September 1835, notice of show. The report of the show in December showed that Mr. David Gibson won both pig classes; in addition he won the second prize for his bull (second to George Hobler) and first prize for his chestnut Suffolk Punch cart stallion. David Gibson is an interesting figure, arriving in the colony as a convict, among the *Calcutta* prisoners, originally bound for Port Phillip in 1803, and dying a wealthy pastoralist in 1858 at Evandale. He was posted as a bushranger 1806, when he was at large near Port Dalrymple. In 1813 he gained a conditional pardon, and by 1818 was in residence at Pleasant Banks, Evandale, where his pastoral fortune was realised. In 1821 Governor Macquarie lodged with Gibson during his tour of the island, and Perth was subsequently named in honour of Gibson's place of birth. In contrast to his reception from Macquarie, he was not favoured by Arthur's administration. Despite this he continued to amass pastoral wealth and prestige. As a bench mark of his ultimate respectability, he was one of the founders of the Presbyterian Church at Evandale, lodging the minister while the manse was built. See *Cornwall Chronicle*, 5 December 1835, Show Report; L. Robson, *op. cit.*, pp. 36-39; C.M.H. Clark and A.G.L. Shaw (eds.), *ADB*, pp. 439-440.

<sup>112</sup> C. Breeze, "Pigs", in G.E. Mingay (ed.), *op. cit.*, pp. 353-356.

<sup>113</sup> S. Morgan, *op. cit.*, p. 73 states, "Swine were popular animals in Britain because they ate what would otherwise have been wasted. It would seem likely that this quality was not so greatly appreciated in a colony that was renowned for its wastefulness". Such a comment is misleading, in that it neither fully indicates the reasons for pig keeping in Britain, nor recognises the full role of pig farming in the colony.

destroyed by slovenly methods".<sup>114</sup> As Raby has argued, such dismissive treatment is unsatisfactory and tends to reproduce an over-emphasis on wool.<sup>115</sup> While wheat growing did not witness massive speculative expansion as wool production did in this period, nor did it experience the deep depressions that marked wool growing's development. Wheat farming was arguably of central importance to the development and expansion of a strong rural economy; Butlin has noted that between 1788 and 1860 there were only seven years in which the value of pastoral activity exceeded that of non-pastoral production across the Australian colonies.<sup>116</sup> A close consideration of the rural economy plainly demonstrates the importance of arable production.

Initial harvests in the colony were poor; much of the English seed grain imported to the island did not germinate.<sup>117</sup> The failure of the first harvest resulted not solely from inexperience of the local climate and soil, but also imperfect preparation of the seed grain, which had suffered in transit to Australia. Areas under wheat production grew steadily, however, and wheat production not only met internal demands, but also sought new external markets (see Table 1.2). Indeed, despite the negative accounts of agriculture, finding a market for surplus grain was a significant problem of the 1820s; it was to further this end that the development of brewing and distilling was encouraged in the colony.<sup>118</sup> New South Wales provided an important and enduring market for grain from Van Diemen's Land. A climate tending towards drought, an expanding population and a rural economy that became increasingly articulated towards pastoral production left the elder settlement often dependent on

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<sup>114</sup> S.H. Roberts, *History of Australian Land Settlement 1788-1920* (London: Frank Cass, 1969), p. 47; see also R.M. Hartwell, *op. cit.*, p. 127.

<sup>115</sup> G. Raby, *op. cit.*, p. 111.

<sup>116</sup> N.G. Butlin, "Contours of the Australian economy 1788-1860", *Australian Economic History Review*, XXVI (1986), pp. 117-118.

<sup>117</sup> W.G. Rimmer, *op. cit.*, p. 329.

<sup>118</sup> *Ibid.*, p. 345; R.M. Hartwell, *op. cit.*, pp. 148-49. The prohibition on distillation was lifted in 1822, and a handful of distilleries began production in this period. Brewing arguably met with greater success than distilling and the Cascade brewery in Hobart dates from this period.

imported grain. Droughts affected New South Wales in 1813-15, 1827, 1829 and 1838-39, at which times grain from Van Diemen's Land was of particular importance. In contrast, within the same period only in 1834-35 did drought severely affect Van Diemen's Land, and require grain to be imported from New South Wales.<sup>119</sup> Further, settlers also made small speculative shipments of grain to the Cape, Rio and Mauritius. In February 1826 the *Colonial Times* reported an abundant harvest, declaring with pride, "in foreign markets (we allude to Rio and the Mauritius) Tasmanian wheat has a preference of at least 2s. a bushel over that of the Elder Colony".<sup>120</sup> Again in 1827 the *Colonial Times* commented on the huge production of the island, recommending exports to Rio, Mauritius and New South Wales.<sup>121</sup> Small shipments of wheat were made to the English market during the 1830s, although tariffs made exports other than seed grain unprofitable.<sup>122</sup> It is clear that during this period wheat production expanded significantly; the search for new markets internally and externally is indicative of a sector experiencing growth.

Growth of grain output was primarily the result of increasing areas under wheat production, rather than increased productivity of the arable sector. Yields throughout the period were stable, affected principally by climate rather than human intervention (see Table 1.2). The years 1833 and 1834 were years of drought, and this is reflected in the yield. The general level of output was lower than contemporary British figures; from the 1820s English farmers might anticipate yields in excess of twenty bushels per acre, reaching as high as 40 bushels.<sup>123</sup> Dunsdorfs' calculation of

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<sup>119</sup> R.M. Hartwell, *op. cit.*, pp. 134-135; L. Robson, *op. cit.*, pp. 260-261; H. Melville, *The History of the Island of Van Diemen's Land* (London: Smith and Elder, 1835), pp. 188-90; *Colonial Times*, 29 July 1834 and 2 September 1834.

<sup>120</sup> *Colonial Times*, 24 February 1826.

<sup>121</sup> *Colonial Times*, 22 June 1827; see also R.M. Hartwell, *op. cit.*, p. 136.

<sup>122</sup> R.M. Hartwell, *op. cit.*, p. 135; E. Dunsdorfs, *op. cit.*, p. 80. Britain was a minor market during the 1830s, although this expanded with the repeal of the Corn Laws in 1846.

<sup>123</sup> B.A. Holderness, "Prices, productivity and output", in G.E. Mingay (ed.), *op. cit.*, pp. 134-142.



average grain yields in Tasmania throughout the century further reveals that it was not until at least the 1860s that wheat yields exceeded 20 bushels per acre.<sup>124</sup> The relatively slow rise of grain yields in comparison to Britain can be related to the low cost of putting new land into production compared to investing heavily in improvement; the situation in Britain was reversed. With high land prices, the emphasis was on increasing the output from currently cultivated land.

Increasing production of grain offers a clear disparity with contemporary reports that attacked the state of agricultural production. It has been shown that such reports were often informed by inapt comparisons, and shaped by preferences within the rural economy for pastoral production. It is no doubt the case that on some smaller farms agriculture was conducted at a basic level, reflecting the low level of capital available for new machinery, or improvements. On larger farms, however, it can be demonstrated that agriculture was conducted at a more developed level.

Early commentators were critical of land use patterns in Van Diemen's Land, where they believed areas were successively cropped to exhaustion. Little effort was made to manure the land, and techniques and implements were of the most basic type. Conventional wisdom in the colony initially held that the land was so rich that it required no manure.<sup>125</sup> Yet efforts were made to collect and apply manure that was collected, and the early use of wool as fertiliser, while commonly cited as evidence of the lack of interest in wool production, would have provided a rich nitrogen source.<sup>126</sup> In placing these efforts in context it should be noted that many farmers in Britain were

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<sup>124</sup> E. Dunsdorfs, *op. cit.*, pp. 534-544.

<sup>125</sup> W.G. Rimmer, *op. cit.*, p. 334.

<sup>126</sup> Examination of R. Gavin, 31 March 1820, *HRA*, series III, Volume III, p. 360; Journal of J. C. Sutherland, 27 and 29 September 1924, NS 61. Sutherland's journal recounts carting dung from a midden to the potato field, while Gavin's evidence before the Bigge inquiry described folding stock on stubble in order to manure the ground. S. Powers, *op. cit.*, pp. 361-362 and D. Woodward, "An essay on manures: changing attitudes to fertilisation in England 1500-1800", in J. Chartres and D. Hey (eds.), *English Rural Society 1500-1800* (Cambridge: Cambridge University Press, 1990), pp. 255-256, refer to the utility of wool as a nitrogenous fertiliser.

also criticised by contemporaries for the lack of adequate manuring.<sup>127</sup> Crop rotations, a hallmark of British agricultural improvement, were attempted by some in Van Diemen's Land.<sup>128</sup> Two course rotations, consisting of grain and fallow, seen as wasteful by critics, have been argued by Raby to have been an efficient pattern of land use, suited to colonial requirements.<sup>129</sup>

Disease and pests, perennial hazards of English agriculture, did not unduly affect the colony.<sup>130</sup> Smut, a fungal infection, did affect the wheat crop. Morgan has suggested that it was not widespread, affecting only a few individual farms severely, yet the effects were severe enough in certain seasons to attract public comment.<sup>131</sup> In 1807, a year in which the wheat crop failed, Governor Bligh offered the curious explanation that lightning had produced the smut in the wheat.<sup>132</sup> In April 1835 the *Cornwall Chronicle* remarked that in some areas smut had, "materially lessened the sanguine expectations of the farmer", and offered the opinion that it was the result of the late sowing.<sup>133</sup> While the cause of the infection was not well understood, more successful efforts were made at prevention by dressing seed wheat. The process of pickling seed grain, by soaking in either brine, urine, or latterly copper sulphate solution, common both to the colony and to Britain, was effective, as the fungal infection was susceptible to both acid and alkaline solutions.<sup>134</sup> Blight and late frosts

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<sup>127</sup> D. Woodward, *op. cit.*, p. 260; J. Brown and H.A. Beecham, *op. cit.*, pp. 278-81. A number of new sources of manure became available in Britain in the 1830s and 1840s, including factory and town waste, and imported guano.

<sup>128</sup> S. Morgan, *op. cit.*, p. 78.

<sup>129</sup> G. Raby, *op. cit.*, pp. 48-56.

<sup>130</sup> J. Brown and H.A. Beecham, *op. cit.*, p. 311. Brown and Beecham suggest that in Britain intensification in the period 1800-1850 increased the incidence of disease and pests.

<sup>131</sup> S. Morgan, *op. cit.*, p. 80.

<sup>132</sup> E. Dunsdorfs, *op. cit.*, p. 72.

<sup>133</sup> *Cornwall Chronicle*, 11 April 1835.

<sup>134</sup> E. Dunsdorfs, *op. cit.*, p. 72; J. Brown and H.A. Beecham, *op. cit.*, pp. 312-313; A.E. Smith and D.M. Secoy, "Organic materials used in European crop protection before 1850", *Chemistry and Industry*, (5 November 1977), pp. 867-868; J.S. Henslow, "Report on the diseases of wheat", *Journal of the Royal Agricultural Society of England*, 2 (1841), pp. 6-8.

were also referred to by settlers as problems in particular areas; in 1837 the return of produce for the district of Bothwell carried no detail of arable crops as the settlers were cautious of the possible effects of blight and weather on the harvest still to be gathered.<sup>135</sup> Assigned men, possibly, following British practise, typically younger men, were given the role of bird scarers to protect the growing crop.<sup>136</sup> Efforts were also made to remove weeds from the field, improving both the quality and value of the crop.<sup>137</sup> These practices suggest that in many instances techniques in the colony did approximate to those in Britain and that attempts were made to improve, or maximise production.

In the progress of mechanisation Van Diemen's Land can be argued to have equalled, if not outstripped Britain. Hand tools characterised farming in the early 1820s, flails remaining commonly in use at threshing.<sup>138</sup> In 1829, however, Widowson stated that threshing machines had become common in the colony.<sup>139</sup> Indeed, a number of reports refer to the use of threshing machines at this time.<sup>140</sup> On 15 June 1827 the *Colonial Times* carried notice of Jocelyn Thomas's plans to erect a threshing machine; machines were at this time built into barns, rather than being mobile. The following week the paper noted that threshing machines were in use by Jocelyn Thomas, David Lord and Mr. Oakes. Impressed by the productivity of these engines, the *Colonial Times* recorded that David Lord's machine on the Coal River

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<sup>135</sup> AOT CSO 49/6 Return of Livestock and Produce, District of Bothwell, December 1837.

<sup>136</sup> S. Morgan, *op. cit.*, p. 86; see for example Charge Against 537 George Gibbons, *per William Miles*, 27 July 1830, AOT LC 362/2. Gibbons was employed by his master as bird scarer. While the role of bird scarer may appear unusual, it was a common employment for young men or boys beginning rural work in Britain; see I. Dyck, *William Cobbett and Rural Popular Culture* (Cambridge: Cambridge University Press, 1992), p. 101.

<sup>137</sup> For example Journal of J.C. Sutherland, 18-21 November 1825, AOT NS 61. Sutherland had his assignees at the unforgiving task of pulling drake, a form of wild grass, from his grain field.

<sup>138</sup> S. Morgan, *op. cit.*, p. 79.

<sup>139</sup> H. Widowson, *op. cit.*, p. 83.

<sup>140</sup> G. Raby, *op. cit.*, pp. 89-90.

could thresh one hundred and fifty bushels in a day.<sup>141</sup> By August that year the paper was able to report, "Another thrashing machine has been imported from England. It is for Mr. Willis of Wanstead Park ... There are now we believe five or six of these machines in the colony".<sup>142</sup> The adoption of the threshing machine in Britain was rather less rapid. Threshing machines had first appeared in 1786, but the use of the new technology was slow. Their use wavered post-1815, and was contested in this period by labourers who saw them as ending an important source of employment. Machine threshing in Britain did not become firmly established until the 1840s.<sup>143</sup> In Van Diemen's Land, in contrast, it can be suggested that the use of threshing machines was common, if not universal, by the early 1830s and received further increase in the 1850s as a result of the labour shortage created by the gold rushes in Victoria and New South Wales.<sup>144</sup>

Agricultural implements were imported to Van Diemen's Land primarily from Britain, and in the 1820s speculative shipments of farm equipment arrived on the colonial market.<sup>145</sup> While the interest in and adoption of new technology appears to have been rapid, it should be noted that not all importers met with success. In January 1828 Phillip Ries penned a letter to Governor Arthur seeking a government position, owing to set-backs he had endured since arriving in the colony in 1824.<sup>146</sup> Ries' difficulties had begun with his importing threshing machines, which he was unable to sell. In his letter he related that he, "was compelled at last to give [them] away for less than one half of what they cost me". The failure of this speculation in machinery was,

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<sup>141</sup> *Colonial Times* 15 June 1827 and 22 June 1827.

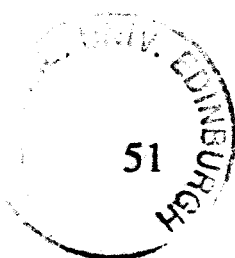
<sup>142</sup> *Colonial Times* 17 August 1827.

<sup>143</sup> S. MacDonald, "The progress of the early threshing machine", *Agricultural History Review*, 23 (1975), pp. 63-77; W.A. Armstrong, "The position of the labourer in rural society", in G.E. Mingay (ed.), *op. cit.*, pp. 826-830; M. Overton, *op. cit.*, pp. 125-126.

<sup>144</sup> F. Wheelhouse, *op. cit.*, p. 54.

<sup>145</sup> G. Raby, *op. cit.*, p. 37.

<sup>146</sup> Letter of Phillip Ries, 2 January 1828, AOT CSO 1/224/5425.



however, only the beginning of Ries' troubles; he was robbed as he moved up country to take up his grant; arrived too late on his land to sow in the first year; was raided by Brady's gang of bushrangers; lost his working bullocks; and at the time of writing to Arthur his crop was failing. While Arthur was sympathetic to his plight, he could offer him no situation.<sup>147</sup>

Manual labour remained vital to the wheat harvest. Throughout the period considered here the grain continued to be cut by hand, using the scythe or the sickle.<sup>148</sup> Mechanised reapers did not make practical progress until the 1840s, at which time the impetus came not from Britain, but from the grain fields of South Australia and America.<sup>149</sup> Manual reaping predominated in the colony, as it did in Britain. If this was an example of a lack of innovation, it was in line with the opinion of England's Royal College of Agriculture until the 1860s.<sup>150</sup>

This discussion of the wheat industry in Van Diemen's Land demonstrates that rather than an insignificant or declining sector of farm enterprise, grain production was of considerable significance from an early stage in the colony's economic development. The period after 1825 has been characterised as one of limited expansion, and as a period in which grain production became principally the concern of small agriculturalists.<sup>151</sup> Such an image is unsatisfactory; rather than an absolute decline it can be considered that agriculture underwent regional specialisation, and land extensive pastoral industries grew on the basis of speculation at an artificial rate. Throughout these changes the colony continued in normal years to produce exportable

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<sup>147</sup> Annotations on letter of G.W. Gunning, 23 January 1828, AOT CSO 1/224/5425.

<sup>148</sup> R.M. Hartwell, *op. cit.*, pp. 129-130.

<sup>149</sup> F. Wheelhouse, *op. cit.*, pp. 46-51; G. Raby, *op. cit.*, pp. 85-89; A.L. Olmstead, "The mechanisation of reaping and mowing in American agriculture 1833-70", *Journal of Economic History*, 35 (1975), pp. 327-52; E.J.T. Collins, "Harvest technology and labour supply in Britain, 1790-1870", *Economic History Review*, 22 (1969), pp. 454-463. Collins p. 458 states that there was limited progress in mechanisation in Britain until the 1870s.

<sup>150</sup> E.J.T. Collins, *op. cit.*, p. 462.

<sup>151</sup> E. Dunsdorfs, *op. cit.*, pp. 50-53; G. Raby, *op. cit.*, pp. 74-77. G. Raby p. 76 argues that between 1820-60 the percentage of cultivable land under wheat fell from 42 to 19 per cent.

surpluses of grain; this is not the mark of an industry in stagnation. More importantly in this context, the notion of complete specialisation of settlers in pastoral enterprise, and smaller under-capitalised settlers in agriculture, is not generally applicable to Van Diemen's Land. Substantial and influential land holders in the colony continued to pursue mixed farming enterprises. Detailed returns from 1837 demonstrate that while in many cases sheep formed a main part of substantial-settler enterprise, varied agricultural interests also coexisted with pastoral ventures (see Table 1.3). Indeed not only were crops of wheat grown by pastoralists, but other grains such as barley and oats, and fodder crops such as turnips, tares and mangel wurzels. Landholders in the midlands and north east of the colony, whose estates form the focus of this study, were not monoculturalists.

This chapter has described the expansion of farming in Van Diemen's Land. While early observers can be seen to have misrepresented farming, it has been shown that farming expanded and developed throughout the period in question. Raby's revisionist work, while offering a broad picture of Australian farming development concentrating on New South Wales and Victoria, has been most useful here in examining the contours of development. The less remarked counterpoint to this growth is undoubtedly the failure of individual ventures, such as that experienced by Phillip Ries in the 1820s, and this aspect of the rural economy should also be noted.<sup>152</sup> Numerous influences affected the progress of farming in the colony. Ideas and technology flowed from Britain and America and the role of internal innovation was also of significance. It is a mistake, however, to suggest that such improvement was the product of a few wealthy individuals. While the capital of such landholders was important, and their informed gentlemanly interest was open to new techniques and ideas, it would be false to deny the role of the labourer in enacting these changes and

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<sup>152</sup> The rates of failure of farm enterprises has not been studied, and would undoubtedly shed light on an important, yet less understood, side of the rural expansion. Paul Gates has noted similarly of American rural history that due attention has not been paid to this problem; see P.W. Gates, "Problems in agricultural history 1790-1840", in D.P. Kelsey (ed.), *Farming in the New Nation* (Washington DC: Agricultural History Society, 1972), pp. 46-47.

developments. Viewed in this manner the role of the assigned convict labourer is vital in the developments outlined above, in terms both of production and its adaptation to the colonial circumstances. The convict rural labourer has often been abstracted as a factor of production, 'labour', by conventional economic historians. Central to this study is the re-embodiment of rural convict labourers in Van Diemen's Land, which can only result in an enriched and indeed transformed historical understanding.

**Table 1.1** Returns of Sheep and Horned Cattle 1818-1840

Year	Sheep	Horned Cattle
1818	127,883	-
1819	172,128	-
1820	182,468	-
1828	553,698	84,476
1829	637,141	109,101
1830	680,740	85,942
1831	682,128	97,088
1832	756,202	80,939
1833	719,729	79,517
1834	765,552	74,075
1835	824,256	82,217
1836	906,813	74,500
1837	911,357	73,212
1838	1,214,485	75,087
1839	868,590	-
1840	1,089,987	-

Source: Return of sheep 1818-20 from J.T. Bigge, *op. cit.*, (1823), pp. 27-8; Returns of livestock 1828-38 from *Statistical Returns of Van Diemen's Land* (Hobart, 1839), Return 11; Return of sheep 1839-40 from R.M. Hartwell, *op. cit.*, p. 118.



**Table 1.2 Wheat production 1828-38**

<b>Year</b>	<b>Wheat (Acres)</b>	<b>Wheat Production (Bushels)</b>	<b>Yield (Bushels/Acre)</b>
1828	20,357	-	-
1829	24,424	318,641	13
1830	31,156	511,000	16
1831	31,008	350,000	11
1832	26,347	390,000	15
1833	26,269	232,543	9
1834	29,974	218,348	7
1835	33,931	508,965	15
1836	40,389	485,969	12
1837	32,012	309,569	10
1838	41,760	550,189	13

Source: *Statistical Returns of Van Diemen's Land* (Hobart, 1839), Returns 12 and 13. Figures rounded to nearest whole number.

**Table 1.3** Extracts from Return of Produce, Stock &c. Westbury, Van Diemen's Land 31st December 1837

	Wheat	Barley	Oats	Peas	Beans	Potatoes	Turnips	English	Tares	Horses	Cattle	Sheep	Goats
	Grasses												
Wm.	7	3	3	-	-	-	90	80	-	10	18	6000	-
Lyttleton													
Richd.	150	-	60	-	-	4	50	200	-	35	2,300	13,000	-
Dry													
Paul	18	-	35	3	-	4	15	60	-	19	120	1,200	1
Minnet													
Thomas	10	-	20	-	-	1	10	50	-	20	1,000	5,000	-
Reiby													
Chas.	26	12	20	-	-	-	-	30	-	37	70	1,500	50
Princeps													
Rev. S.	40	3	64	-	-	-	28	25	-	15	210	3,690	-
Martin													
Pearson	9	4.5	32	-	-	4	22	18	-	8	300	819	-
Foote													
J.C.	11	20	160	-	-	1.5	18	29	-	12	121	3,200	-
Groom													

Source: CSO 49/6 Agricultural return for the district of Westbury, 31 December 1837. Figures for crops are in acres.

## Chapter 2

### **“A description of men almost useless”<sup>1</sup>: Assignment and Convict Labour**

Assigned convict labour was of central importance to the growth of agriculture and pastoralism in Van Diemen's Land. Transported convicts formed the principal part of the rural workforce; farming was consistently the single largest private employer of convict and free labour in the colony.<sup>2</sup> Yet the character and quality of the assigned workforce has been subject to much criticism. Contemporaries remarked that few experienced farming men were transported, and as a result essential skills were lacking in the prisoner population. Edward Curr declared: “Unfortunately ... for the settler, by far the greatest number of prisoners sent to Van Diemen's Land are of a class that are wholly ignorant of agricultural pursuits; and many of them prove more than useless to their masters”.<sup>3</sup> Such a representation of feckless, unskilled convicts turned to agricultural labour rests uneasily with the progress in farming described in the previous chapter. Indeed, convict labour has typically been accorded only marginal importance in the development of Australian farming despite its plainly central role; even Raby's recent revisionist account of agricultural innovation places little importance on the value of assigned labour.<sup>4</sup> Neglect of this type mirrors a similar area of silence in writing on agricultural improvement in Britain, in which the labourers' role was broadly discounted.<sup>5</sup> Failing to consider fully the nature and role of labour in the rural economy can only result in a skewed understanding of that

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<sup>1</sup> Letter of Joseph Archer to Colonial Secretary John Burnett, 2 June 1828, CSO 1/287/6833.

<sup>2</sup> H. Maxwell-Stewart, “The Bushrangers and the Convict System of Van Diemen's Land 1803-46”, unpublished PhD Thesis University of Edinburgh, (1991), p. 236.

<sup>3</sup> E. Curr, *An Account of the Colony of Van Diemen's Land* (London: Cowie, 1824), pp. 32-33.

<sup>4</sup> G. Raby, *Making Rural Australia; An Economic History of Technical and Institutional Creativity 1788-1860* (Melbourne: Oxford University Press, 1996), pp. 45-48.

<sup>5</sup> S. MacDonald, “Agricultural improvement and the neglected labourer”, *Agricultural History Review*, 31 (1983), pp. 81-90.

world. This chapter addresses the character of convict assigned labour and the system of assignment. Through the medium of convict records the labour skills of the assigned men on selected properties can be assessed. A more able workforce than the comments of certain contemporaries would allow then emerges from this study. Examining the labour forces on these properties also allows for a discussion of the mechanism of assignment, the central process of labour allocation. Whilst assignment necessarily looms large in the examination of rural labour in the context of this thesis, this chapter also describes the contours of the wider rural work force, free and bond, male and female.

While many complained of the quality and abilities of assigned rural labour, many were at least convinced of the benefits of farm work to the prisoner. Commissioner Bigge expressed the belief that farming work would have a salutary reforming effect on the nature of the convict man.<sup>6</sup> Edward Curr, who it has been seen was a frank critic of the abilities of assigned servants, yet waxed lyrical on the effect of such a rural existence on the prisoner:

The separation of the convicts from each other, and their removal from the large towns, so similar to their old haunts, must certainly tend to the removal of those temptations which have proved their destruction; and if any situation can be more favourable than another to the encouragement of sobriety, uprightness, regular habits, and salutary reflection, it must be the solitude and remoteness of a shepherd's or husbandman's hut.<sup>7</sup>

A similarly long-held belief in the reforming value of rural labour among prisoners existed in New South Wales.<sup>8</sup> Advocates of rural assignment as morally reformatory

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<sup>6</sup> J.T. Bigge, *Report on the Colony of New South Wales*, (London, 1822; edition used Adelaide: Libraries Board of South Australia, 1966), pp. 21-49, 157-161.

<sup>7</sup> E. Curr, *op. cit.*, p. 32. Curr reveals an understanding of crime and vice rooted in the city, and a belief in the morality of country life removed from these circumstances. Subsequent chapters will demonstrate that the isolation described by Curr was not realised, and the colony's towns were common recourse for absentee convicts.

<sup>8</sup> N. Townsend, "A 'mere lottery': the convict system in New South Wales through the eyes of the Molesworth Committee", *Push From the Bush*, 21 (1985) pp. 58-86. While a fuller discussion of reform lies beyond the argument of this thesis, two important arguments can be discerned in the

did not, however, necessarily consider the utility to settlers of those individuals experiencing reform. Answering the Molesworth enquiry in 1838 Peter Murdock, a dairy farmer at Broad Marsh with extensive experience of convict assignment, declared, "I think it is quite Utopian the idea of making them good agriculturalists".<sup>9</sup>

Certainly within the general convict population rural occupations were under-represented. Nicholas and Shergold's analysis of a sample of 19,711 male and female convicts arriving in New South Wales between 1817-40 found that urban occupations were significantly over-represented.<sup>10</sup> Rural labourers emerged in their sample as a proportion lower than that demonstrated in the 1841 census of England and Wales.<sup>11</sup> Without falling prey to contemporary notions of vice-ridden urban life, this weighting of the convict sample can be accounted for in terms of social conditions and opportunities prevailing in towns, and particularly to the visibility and policing of urban crime. It may also be suggested that the drift of the impoverished from rural areas to towns and cities in this period might be understood as the exporting of rural social problems to urban areas. Were convicts to be assessed on the basis of their place of birth, rather than place of offence or trial, then this 'rural contribution' to

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historiography. Linda Emery found in her study of assignment in New South Wales, that if reform is to be measured in terms of subsequent offending, then the character of the employer, and the relation of convict and master was of great significance; see L. Emery, "'Jack and his Master': a study of the relationship between the Master and Servant within the convict assignment system of New South Wales", *Push*, 30 (1992), pp. 22-30. It can also be suggested that occupational skill was an important factor in offending patterns; men with skills of little value to an employer were likely to be returned to magistrates for lesser offences as they could readily be replaced. Such individuals were likely to find themselves recycled through road gangs and chain gangs, in which environment further offences were likely; see H. Maxwell-Stewart, "Convict Workers, 'Penal Labour' and Sarah Island: Life at Macquarie Harbour, 1822-34", in I. Duffield and J. Bradley (eds.), *op. cit.*, pp. 146-147. Maxwell-Stewart's argument that human capital was key to the convicts' fate in the colony offers one possible explanation for the belief in the reforming nature of farm work - those with rural skills were likely to be assigned to and maintained by rural employers. Few offences were recorded against them due to their relative value as labourers, and the difficulty and disruption caused in making formal proceedings; in the moralising vision of contemporaries this came to be witnessed as evidence of the reforming qualities of farm work.

<sup>9</sup> Evidence of Peter Murdock, 26 March 1838, *BPP* 1837-38 XXII, 669, Report from the Select Committee on Transportation, pp. 128-129.

<sup>10</sup> For an account of the sample see K. Corcoran and S. Nicholas, "Statistical Appendix: Convicts transported to New South Wales 1817-40", in S. Nicholas (ed.), *op. cit.*, p. 202.

<sup>11</sup> S. Nicholas and P. Shergold, "Convicts as Workers", in S. Nicholas (ed.), *op. cit.*, pp. 68-74.

urban based crime would be readily apprehended. This question has not yet, however, been addressed in convict historiography. The notion that crime in Britain was largely the product of an urban professional criminal class has been persuasively challenged both by historians of crime and of convict transportation. Key among Australian works in this area has been *Convict Workers*, which argued that convicts were principally drawn from the broader British and Irish working class, sustaining this position by an analysis of convict records detailing age, gender, occupation, place of origin and literacy.<sup>12</sup> This argument drew heavily on developing work on the history of crime in Britain, the central finding of which, in this context, can be summarised by Clive Emsley, "No clear distinction can be made between a dishonest criminal class and a poor but honest working class".<sup>13</sup> The urban bias in the convict population was demonstrated in Robson's early statistical analysis of transported prisoners.<sup>14</sup> Contemporaries' complaints of their prisoner servants as unskilled might then appear to be sustainable. Closer attention to the convict labourers, and the mechanism of assignment, however, provides grounds to question such judgements.

Throughout the experience of trial and imprisonment, embarkation, transportation, arrival and assignment, individual convicts, male and female, were reconstructed as subjects of penal authority, known or defined through certain fields of information.<sup>15</sup> This was a process commented on by numerous contemporary

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<sup>12</sup> S. Nicholas (ed.), *Convict Workers*, *passim*. Deborah Oxley's *Convict Maids* further developed and expanded these ideas; see D. Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Melbourne: Cambridge University Press, 1996). For an incisive discussion of the shift in transported convict historiography from the 'criminal class' theory see K.M. Reid, "Work, Sexuality and Resistance; the Convict Women of Van Diemen's Land 1820-39", unpublished PhD Thesis, University of Edinburgh (1995), pp. 37-86.

<sup>13</sup> C. Emsley, *Crime and Society in England 1750-1900* (London: Longman, 1996), pp. 168-173. See also J. Beattie, *Crime and the Courts in England 1660-1800* (Oxford: Oxford University Press, 1986); D. Hay, P. Linebaugh and E.P. Thompson *et. al.*, *Albion's Fatal Tree; Crime and Society in Eighteenth Century England* (London: Allen Lane, 1975); P. Linebaugh, *The London Hanged; Crime and Civil Society in the Eighteenth Century* (London: Allen Lane, 1991).

<sup>14</sup> L. Robson, *The Convict Settlers of Australia* (Carlton: Melbourne University Press, 1973), pp. 22-24.

<sup>15</sup> This process is described and the problematics inherent in the attempt to reify knowledge of the other are explored in C. Anderson, "The Genealogy of the Modern Subject: Indian Convicts in Mauritius 1814-53", in I. Duffield and J. Bradley (eds.), *op. cit.*, pp. 164-82. Anderson's discussion

observers and officials. Commissioner Bigge noted the inspection of convicts on arrival and the particular enquiries made as to their former trades.<sup>16</sup> In Van Diemen's Land in 1832 the Quakers Backhouse and Walker also witnessed such a scene. James Backhouse's account of their travels relates the arriving convicts being stripped, examined and questioned. Following this, the body of transportees was addressed by the Lieutenant-Governor, who informed them: "The masters to whom they were assigned would ... provide them a sufficiency of food, clothing and bedding, and that the Government expected them to labour for their masters without wages and to do it cheerfully".<sup>17</sup> A fuller and seemingly franker account of the examination of convicts on their arrival is provided by William Gates, a prisoner transported for his role in the Upper Canada revolt in 1837, in his *Recollections of Life in Van Diemen's Land*;

We were brought separately to undergo a most searching examination. Questions were asked, and answers given as to our names, ages, trades, nativity, religion, whether married, if so, where lived the wife, what the number of children ... whether we could read or write ... - where arrested - when and where and for what tried ... we were taken into another room, stripped of our clothing, and a minute description of every scar, blemish, or mole on our persons, placed on record ... another officer ... eyed us most searchingly, and also put on record a faithful description of our features, colour of hair, eyebrows, eyes, number of teeth lost, appearance of nose, ears, chin, mouth &c. together with our height and weight.<sup>18</sup>

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centres on the construction of the Indian convict population in Mauritius as subjects of colonial and penal authority, yet her arguments have direct relevance to the same processes enacted in the Australian colonies. Previously largely unexplored, transported Indian convicts in Mauritius and elsewhere are now the subject of serious enquiry; see C. Anderson, *Convicts in the Indian Ocean; Transportation from South Asia to Mauritius 1815-53* (London: Macmillan, 2000); S. Sen, *Disciplining Punishment: Colonialism and Convict Society in the Andaman Islands* (New Delhi: Oxford University Press, 2000).

<sup>16</sup> J.T. Bigge, *Report on the Colony of New South Wales* (London, 1822; edition used Adelaide: Libraries Board of South Australia, 1966), pp. 15-16.

<sup>17</sup> J. Backhouse, *A Narrative of A Visit to the Australian Colonies* (London: Hamilton and Adams, 1843), p. 20.

<sup>18</sup> William Gates, *Recollections of Life in Van Diemen's Land*, reprinted in G. Mackaness (ed.), *Australian Historical Monographs No. 40* (Sydney: D.S. Ford, 1961), pp. 39-40.

Linus Miller, another Canadian exile, offered an account that accorded with that of Gates, and offered further detail. Following the questions of trade, offence, sentence and family, Miller described how:

Answers to these questions being duly chronicled I was ordered to pull off my shoes and stockings, which being done, the 'measuring rod' was applied. 'Stand up straight, no shirking, no stretching' ... I was then commanded to strip to the waist, and my person was closely scrutinised for any marks or scars by which I might be identified in case I became wicked and depraved enough to run away.<sup>19</sup>

In discussing Gates' testimony Maxwell-Stewart and Bradley have noted that he sought to underscore the repressive nature of the British administration, yet his description of the process provides a useful outline.<sup>20</sup> Information held in surviving convict records demonstrates the fruits of such enquiries, and supports these descriptions of the arrival process.

Material of this type was an important part of convict surveillance. Throughout sentence a convict's conduct, or misconduct, was recorded, leaving a trace of appearances before magistrates, sentences, and other official remarks. In this sense the colonial state could 'know' the convicts through the dry records. In a more immediate sense the descriptive data was used in circulating descriptions should a prisoner abscond, an awareness of which is evident in Miller's writing.<sup>21</sup> Information relating to convicts' trade or calling was of further particular importance in the allocation of assigned servants. It was on the basis of prisoners' stated former trades

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<sup>19</sup> Linus W. Miller, *Notes of an Exile to Van Diemen's Land* (New York, 1846; edition used Wakefield: S.R. Publishers, 1968), pp. 256-257.

<sup>20</sup> H. Maxwell-Stewart and J. Bradley, "'Behold the man': power, observation and the tattooed convict", *Australian Studies*, 12 (1997), pp. 74-75.

<sup>21</sup> See for example Reward Notice for 592 George Robinson, *per Surrey* (2), 6 March 1833, CSO 1/626/14173. The notice provides the following details of Robinson: height five feet ten inches and a half; complexion dark; hair brown; eyes dark blue; age twenty five years; trade labourer; sentence life; native place Scotland; remarks stout made. In other instances details of distinguishing marks or tattoos were given under the heading of remarks. Despite the seeming precision with which it is stated, the description of Robinson seems desperately vague.



that they were held in public works, or placed in private assignment. Mechanics, or skilled tradesmen, were retained predominantly in government service.<sup>22</sup> While not assigned to settlers, these skilled individuals were available on loan to private service. The remaining convict population was available for private settler service. Initially requests for assigned servants were made by settlers through the Principal Superintendent of Convicts, who passed his recommendations to the Colonial Secretary. Ultimately they came before the Lieutenant-Governor for his approval. In making application for servants, settlers submitted details of the area of land they held, their livestock, the extent of cultivation on their lands, and the workforce on their property.<sup>23</sup> From 1832 this responsibility passed from the Principal Superintendent alone, to the Allocations Board, made up of the Principal Superintendent accompanied by the Chief Police Magistrate and a military officer.<sup>24</sup> The form of application remained broadly unchanged during the period considered, settlers submitting forms for the consideration of the board.

This study makes use of an opportunity sample of 539 male convicts who arrived in the colony 1820-35 and were assigned to known rural employers.<sup>25</sup>

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<sup>22</sup> J.T. Bigge, *Report on the Colony of New South Wales*, pp. 19-21.

<sup>23</sup> A. MacKay, "The Assignment System of Van Diemen's Land", unpublished MA Thesis, University of Tasmania (1958), pp. 70-71.

<sup>24</sup> W.D. Forsyth, *Governor Arthur's Convict System; Van Diemen's Land 1824-36* (Adelaide: Sydney University Press, 1970), pp. 51-2.

<sup>25</sup> This opportunity sample was compiled by identifying convicts in Home Office Musters of Van Diemen's Land for the years 1830, 1832, 1833 and 1835 (Public Record Office HO 10/47, 10/48, 10/49 and 10/50) who were listed as employed by known substantial rural land owners: Joseph Archer, William Archer, Thomas Archer, Edward Archer, John Glover, James Cox, Major Donald McLeod and James C. Sutherland. Additionally prisoners identified in Sutherland's journal were added to the sample (NS 61). The convicts' conduct registers (AOT Con 31) and description lists (AOT Con 23 and Con 18) were identified and these supplied details of prisoners' offences in the colony, in addition to recording the convicts' transportation offences, and stated trades, alongside other nominal data. Convicts' colonial labour prior to, and following after the period of the musters in which they were traced were also recorded. In order to extend the sample backwards into the 1820s convicts identified as employed on rural properties in the Great Swanport area in the diary of District Constable Adam Amos (NS 323/1) were included, and these employers convict allocations traced in Home Office Musters HO 10/18, HO 10/44, HO 10/46 and HO 10/47, covering the years 1822, 1823, 1825 and 1830. A process of record linkage, as outlined above, provided both nominal details of this group, and also details of their colonial penal careers. The employers of this second group were Adam Amos, John Amos, John Meredith, George Meredith, Major Honner, William Talbot and John Harte. This process of record linkage on a selection of properties produced a rich body of data, detailing the work forces of individual settlers, and the working and penal histories of individual convicts.

Analysis of this sample of convicts on the basis of the skills recorded in the convict department records suggests that assignment did effectively match those with rural skills to rural masters (see Chart 2.1).<sup>26</sup> While there are limits to the conclusions that can be drawn from the comparison of two such structurally different populations, the results are highly suggestive. In this sample those with rural skills are significantly over-represented in comparison to the profile of the general New South Wales convict population indicated in Nicholas and Shergold's data. This comparison tends to suggest that the rural male convict workforce in Van Diemen's Land was allocated on the basis of prior skill or experience; the labour allocating policy of the colonial state produced a workforce in which rural labour experience or skill was more common than in the general convict population, Nicholas and Shergold's data being taken as a rough proxy for an analysis of the skill profile of the general transported convict group. The division drawn between those with rural skills, and unskilled rural labour is necessarily arbitrary. It is plausible that the recording practices of different clerks are reflected; some taking the time to note particular skills, others opting for the all encompassing label of 'farmer's labourer'. The increased detail in recording of convicts' skills more importantly reveals the policy of the colonial administration, as it attempted to manage the convict arrivals and their placement in the labour economy. Combining the categories of skilled and unskilled rural and urban labour (see Chart 2.2) provides, however, further evidence for the rural bias of those placed in rural assignment; it is clear that while they may not be categorised as skilled, experienced rural labourers are significantly over-represented in the convict sample. These findings amplify Maxwell-Stewart's earlier, highly significant finding that of the

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<sup>26</sup> The convicts' occupations were analysed using the classification of the Nicholas/Shergold system: 1. Unskilled Urban; 2. Unskilled Rural; 3. Skilled Building; 4. Skilled Urban; 5. Skilled Rural; 6. Dealers; 7. Public Service; 8. Professional; 9. Domestic Service.

This system was adopted to allow for a comparison with the Nicholas/Shergold sample. For a detailed description of the categories see Appendix. The use of such a system poses certain problems when faced with multiple occupations, in this case convicts were listed under their highest grade trade. See S. Nicholas and P. Shergold, "Convicts as Workers", in S. Nicholas (ed.), *op. cit.*, p. 72.

prisoners arriving aboard two sampled transport ships, the *Aurora* and the *Elphinstone*, who were assigned to private service, 85% of those with declared agricultural skills were placed with masters engaged in farming.<sup>27</sup> That arriving convicts with rural labour skills should be placed in rural employment in a private-sector colonial economy so dominated by farming may appear at first unsurprising. That assignment distributed labour effectively within the colony in this way is, however, contrary to a broadly received historical understanding that has described assignment as a lottery.

An essential qualification should be that the assignees considered here are primarily those placed in the employment of substantial landholders. It is plausible that such individuals were favoured by colonial government; Bigge had in 1822 suggested the importance of patronage in the distribution of convict labour.<sup>28</sup> Moreover, in Lieutenant-Governor Sorell's outgoing report on the colony in 1824, he informed the arriving Lieutenant-Governor Arthur that, "I have given the preference to the best and most respectable Proprietors".<sup>29</sup> It appears probable that wealthy, influential settlers did gain in the allocation of farming servants at the expense of smaller farmers. In the period of Arthur's administration large land holdings increased significantly.<sup>30</sup> That it was also in this period that more detailed returns of convicts' trades were collected, and hence the assignment of convict labour managed more systematically, suggests a concerted policy to advance large scale agricultural and pastoral interests. Such a policy was in line with the recommendations of the Bigge reports.

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<sup>27</sup> H. Maxwell-Stewart, "The Bushrangers and the convict system of Van Diemen's Land", pp. 76-78.

<sup>28</sup> J.T. Bigge, *Report on the Colony of New South Wales*, pp. 18-19.

<sup>29</sup> Sorell to Arthur, 9 June 1824, *Historical Records of Australia*, series III, volume IV, pp. 143-44.

<sup>30</sup> S. Morgan, *Land Settlement in Early Tasmania; Creating an Antipodean England* (Cambridge: Cambridge University Press, 1992), pp. 9-21.

Patronage could, however, only operate within common sense constraints of supply. Whilst seemingly privileged in the allocation of convict servants, big landed settlers in the midlands were among those critical of assigned labour. In 1828 Joseph Archer applied for six convict servants to be assigned to him, but was refused. Archer wrote to the Colonial Secretary restating his case: "I think you will at once observe that it is quite impossible to cultivate my farm in a proper manner without further number of Convict Servants".<sup>31</sup> In support of his application Archer went on to list the various improvements he had implemented on his land, at no small cost or amount of trouble, and despite the particular difficulties posed by a lack of labour. Of those assigned men already in his employ he declared:

I have received some 'Farmers Labourers'. Some of them can plough a little, amongst these men I have received one 'Sydney Smith' Optician, 'Samuel Wilson' [illegible], 'Edward Steward' Hawker, & 'William Thomas' Errand Boy - a description of men almost useless for the purposes for which they are required on a Farm.<sup>32</sup>

John Lakeland, Principal Superintendent of Convicts, had declined Archer's request on the grounds that at the time it was placed with his office he was already faced with, "no less than 150 applications for men which cannot be answered".<sup>33</sup>

Plainly the system of assignment was subject to problems of uncertain supply and great demand for suitable men. Lieutenant-Governor Sorell wrote in November 1821, "The prisoners by the *Malabar* Comprized an unusual Number of useful Men of the agricultural class, which has enabled me to distribute generally assistance in farming labour".<sup>34</sup> Such a comment suggests the wide demand for experienced farming men. John Lakeland's comments to Governor Arthur in 1824 on the arrival

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<sup>31</sup> Joseph Archer to John Burnett, 2 June 1828, CSO 1/287/6833.

<sup>32</sup> *Ibid.*

<sup>33</sup> Copy of John Lakeland to Joseph Archer, 22 May 1828, CSO 1/287/6833.

<sup>34</sup> Sorell to Under-Secretary Goulbourn, 20 November 1821, *HRA* series III, vol. IV, p. 37.

of the convict transport *Chapman* reveal that this was a recurrent situation: "I inspected the Convicts on Board the Transport Ship *Chapman* this morning and have to report that they are on the whole an excellent Body of Men the Greatest Part being farmers and persons used to agricultural purposes".<sup>35</sup> Further evidence of the demand among settlers for suitable convict farm servants was given in the reply offered to the Van Diemen's Land Company's application for twenty five convicts in 1826. Correcting the understanding that convict labourers were to be seen as a tax on settlers, the Colonial Secretary informed Edward Curr, agent of the Van Diemen's Land Company, that; "Settlers would cheerfully give a bonus for a very considerable number of useful men".<sup>36</sup>

Archer continued to wrangle with the Principal Superintendent over the prisoners assigned to him. Despite the evidently high demand for experienced farming servants, in June 1831 he lodged an application for two shepherds, four farmers' labourers, one gardener, one spadesman, and a horsebreaker. Josiah Spode, then Principal Superintendent of Convicts, rebuffed Archer in no uncertain terms; "I have the honour to state that it is impossible to supply these men at present and in fact I cannot even attempt to give you so many as nine men at any one time".<sup>37</sup> Two men were subsequently sent to Archer's service from the *Argyle*, yet this still did not meet with his approval. Archer wrote again directly to the island's Colonial Secretary John Burnett, claiming that he could expect or obtain no satisfaction from Spode in this matter as he was "personally hostile to me".<sup>38</sup> Of the two convicts who had been sent to him he stated:

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<sup>35</sup> Principal Superintendent of Convicts John Lakeland to Lieutenant-Governor Arthur, 28 July 1824, CSO 1/23/403. It is also of significance here that Lakeland assessed the convicts as an 'excellent body of men' on the basis of their occupational skills - this plainly demonstrates that the labour value of convicts was seriously considered by the colonial authorities.

<sup>36</sup> Copy of Letter of Colonial Secretary, 6 October 1826, CSO 45 Letterbook of Correspondence to the Manager Van Diemen's Land Company.

<sup>37</sup> Josiah Spode to Joseph Archer, 22 June 1831, CSO 1/287/6833.

<sup>38</sup> Joseph Archer to John Burnett, 20 September 1831, CSO 1/287/ 6833.

'Proudley' - is a small & able bodied man described as a labourer; upon enquiry I find from himself that he is a Groom. Observing some recent scars upon his face, and a general appearance of illness, and incapacity for labour about him, I found that he had the scurvy which has affected his constitution materially -

The other man 'Fras. Barnes' - described as a Shepherd says he is not a shepherd and that he so informed Mr. Spode - ... he has been under a shepherd but that he was not competent to take charge of sheep ... I found that he knew nothing of sheep, in fact was so ignorant of that animal as to be unable to tell its age by its mouth.<sup>39</sup>

Lieutenant-Governor Arthur sought an end to the matter by intervening to allocate a ploughman, a shepherd, and a labourer to Archer; once again suggestive of the influence such a settler might ultimately exert.<sup>40</sup> In April 1832 Joseph Archer submitted a listing of the assigned men in his service, in resumption of his grievance with the Principal Superintendent. In his listing he showed the terms under which the men were sent to him, and the manner in which they were currently disposed (Table 2.1). By way of accounting for the seeming discrepancy Spode offered that " my return went to show what the men stated themselves to be on arrival".<sup>41</sup>

Archer's prolonged conflict with the colonial authorities over the prisoners assigned to him appears to offer some serious doubt on the validity of assessing convict assignment on the basis of the official listing of convicts occupational histories. Indeed, Archer's testimony might serve to offer evidence that prisoners fabricated skills in order to secure favoured positions, or equally that the allocation of prisoners paid little serious attention to the suitability of convicts in placing them in employment. Unquestioning faith should not, however, be placed in Archer's account of his men. His letters sought to secure further allocations of skilled rural labour, a highly valuable commodity in a heavily rural economy. In doing so Archer attempted

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<sup>39</sup> *Ibid.*

<sup>40</sup> Annotation of Lieutenant-Governor Arthur, 23 September 1831, CSO 1/287/6833.

<sup>41</sup> Josiah Spode to John Burnett, 4 June 1832, CSO 1/287/6833. The unusual amount of underscoring in this series of correspondence between Archer, Spode and Burnett is indicative of the tenor of the dispute.

to establish his absolute need, first by laying out the advanced nature of his farming enterprise, but more importantly by demonstrating the poor quality of labour assigned to him, and the effect this must have on his property. As shown, it has also been argued by historians that rural labourers formed a relatively small section of the arriving convict population. In his statement of the advancing state of his properties, and in his direct appeals to the Colonial Secretary, Joseph Archer sought to gain undue advantage in labour allocation. This understanding would suggest it would be unwise to take Archer's complaints at face value.

Certain valuable points do emerge from attention to this series of correspondence. Assignment was only as effective as the supply of prisoners, and the information they provided allowed. It has been alleged that prisoners routinely lied about their occupational skills, both in Britain and in the colony. Nicholas and Shergold demonstrated in their study, however, that there was a marked correlation of stated occupations, their place of residence before transportation, and the known geographical distribution of these trades.<sup>42</sup> This finding tends broadly to support the validity of the convicts' claimed trades, though it would be surprising if some individual convicts did not upgrade their actual degree of skill and experience in their stated trades, in a bid to advance themselves in the labour allocation process. It can also be suggested that free emigrants, as they arrived, acted similarly in embellishing their prior working histories when seeking employment. More fully the detail in which the convicts' skills were recorded is of significance. John Harris, transported in 1835 for housebreaking, was listed as "Plo'man, reap, mow, thresh, milk"; Thomas Croft, a Kentish man, was detailed as, "Farmer's labourer (Hops)"; whilst William Hum, transported in 1835 for stealing five bushells of apples, was recorded as, "Farm labourer, reap, mow, thresh, stock[man], hedge, ditch, bank, draw lambs".<sup>43</sup> It has been argued that such detailed descriptions indicate that efforts were

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<sup>42</sup> S. Nicholas and P. Shergold, "Convicts as workers", in S. Nicholas (ed.), *op. cit.*, pp. 64-68.

<sup>43</sup> 1969 John Harris, *per Aurora*; 630 Thomas Croft, *per Phoenix* (2); 1972 William Hum, *per Aurora*, Con 18, Con 23. Detailed returns of individual convict skills are often also given in

made to ascertain the convicts' work experience, in order that they might most usefully be placed in either the public or private sector workforce.<sup>44</sup> This was not only the case for those in rural work. Many transported prisoners had a working history that involved a number of occupations, and efforts were made to record these. James Morgan, who had arrived free in Van Diemen's Land, was convicted in Hobart in 1835 of stealing cigars. He offered a markedly varied *curriculum vitae*; 'Shepherd & seaman, tailor 4 years'.<sup>45</sup> John Clerk, transported in 1825 for stealing from the person offered an equally varied working past, 'Engineer, marine, groom & footman'.<sup>46</sup> These potted working histories cast interesting light on the changing early nineteenth-century United Kingdom labour market and the need for many workers to adopt trade flexibility. Through the detail of the recorded responses it is also possible to read something of the questioning encountered by the prisoners, and from this an idea of the labour demands in the colony that the authorities sought to fill. Particular care in recording agricultural skills suggests, in this context, that these were skills that were of particular significance, and in particular demand.

In the interpretation of these records it is also important to avoid passing agency solely to the interrogator. There need be little doubt that convicts were able to shape their answers, to emphasise or conceal certain things. The stated trades of Peter Aldridge, "shepherd can shear", John Mann, "shepherd & ploughman, draw lambs", and William Hide, "ploughman, reap, mow, milk [and] sow" also suggest a complex, hierarchical world of rural labour skills; an understanding within which these trades and abilities carried status meanings.<sup>47</sup> Nicholas and Shergold suggested that among

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appropriation lists, though their survival is partial.

<sup>44</sup> H. Maxwell-Stewart, "The Bushrangers of Van Diemen's Land", p. 72.

<sup>45</sup> 1299 John Morgan, *per Merope (free)*, Con 23.

<sup>46</sup> 695 John Clerk, *per Medina*, Con 31, Con 23, Con 18. in his statement of offence Clerk also states, "Kept a Green Grocers shop in ... Chancery Lane [London]". It appears plausible that the order of occupations presented by Clerk reflects the chronological progression, from a trade into the Royal Marines, and then into the world of liveried domestic service.

<sup>47</sup> 236 Peter Aldridge, *per Andromeda*; 940 John Mann, *per Elizabeth*; 1614 William Hide, *per Atlas*



the convict population of New South Wales there were individuals who formed "a labour aristocracy in chains".<sup>48</sup> Advancing from the analysis of convict occupations, they argued that among the transported prisoners were a number of highly skilled workers, derived from the British labour aristocracy. The term labour aristocracy refers to skilled members of the working population who characteristically experienced enhanced conditions at work, higher and more regular wages, better living conditions, prospects of personal social security and expectation of advancement for their children. Members of this group were typically members of voluntary societies and institutes; a movement towards education and the rational use of leisure time. In the labour aristocracy's drive for self-improvement, in the spatial segregation of their housing in some areas, and their self-imposed division from the general working class, it can be argued that they demonstrated embourgeoisement; such a view would accord with the understanding of contemporary middle-class observers. Lummis and Cressick, however, emphasise the extent to which the values of this group emerged from pre-existing working class values, rather than being simply recieved from above.<sup>49</sup> Caution must be exercised in adopting Nicholas and Shergold's suggestion of a labour aristocracy in chains. In its fullest extent it would be problematic to speak of the labour aristocracy in the period considered in their work, and in this thesis. Although emergent, the character and values of this group were not fully established by the 1840s.<sup>50</sup> Nicholas and Shergold's usage is anachronistic; while these convicts may have emerged from more highly paid and secure trades, it is misleading to suggest that they had at this time developed a completely distinctive culture.

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Con 31 and Con 23.

<sup>48</sup> S. Nicholas and P. Shergold, "A Labour Aristocracy in Chains", in S. Nicholas (ed.), *op. cit.*, pp. 98-108.

<sup>49</sup> E.J. Hobsbawm, *Labouring Men; Studies in the History of Labour* (London: Weidenfeld and Nicolson, 1965), pp. 272-275; T. Lummis, *The Labour Aristocracy 1851-1914* (Aldershot: Scolar Press, 1994), pp. 131-163; G. Cressick, "The Labour Aristocracy and Its Values: A Study of Mid-Victorian Kentish London", *Victorian Studies*, 19 (1976), pp. 301-328.

<sup>50</sup> E.J. Hobsbawm, *op. cit.*, p. 276; T. Lummis, *op. cit.*, pp. 11-13.

Setting aside the cultural values that attach to the idea of the labour aristocracy, it can sustainably be argued that convicts possessed of certain skills, such as masons and carpenters, were in a favoured position in the labour market in the Australian colonies. Maxwell-Stewart's study of Sarah Island penal station has identified this type of stratification among convicts in Van Diemen's Land. Even among those convicts who were subject to one of the severest forms of colonial secondary punishment, Maxwell-Stewart has discerned a labour élite; at Sarah Island carpenters, blacksmiths, shipwrights and other shipbuilding specialists, received additional indulgences of flour, potatoes, spirits and tobacco, and were allocated separate living quarters.<sup>51</sup> Again, while it is clear that these individuals gained enhanced living conditions, it is not possible to assert that they developed a distinct identity and culture, as the application of the term 'labour aristocracy' would suggest. While this emphasis on the convicts of skilled urban trades backgrounds has revealed much, it has also tended to cast a shadow over rural convict labourers. Convicts from a rural background appear less prominently in the historiography. Little serious effort has been made to differentiate between them or engage with the complexities and divisions in the rural workforce. To some extent it may be that these convicts have fallen victim to the vision of predominantly urbanised historians, who do not witness the skilled and complex working world of the rural economy. To leave the rural labour force as an undifferentiated whole is extremely unsatisfactory.

Rural work was not unskilled. Rather, most agricultural labour required sophisticated skills and knowledge. Whilst not formalised in the manner of the artisan trades' apprentice, rural workers gained experience and training through a progression of work from lesser to higher skill demands. Hence, as boys they might begin their working lives picking stones in ploughed fields, or as bird scarers among newly

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<sup>51</sup> H. Maxwell-Stewart, "Convict Workers, 'Penal Labour' and Sarah Island: Life at Macquarie Harbour 1822-34", pp. 148-150. There was a ship yard at Sarah Island - this accounts for the preferment for the trades referred to. Maxwell-Stewart indicates that the same form of regime was also in place at the Port Arthur penal station, which also had a shipyard.

planted crops, before ultimately progressing to the skilled work of ploughing. Amongst ploughmen a further hierarchy prevailed, with the most experienced man the head ploughman.<sup>52</sup> William Cobbett, an outspoken advocate of the virtues of rural labour, observed in 1835:

There are grades too, even in the learning of agricultural labourers, from the mere filler of a dungcart and shoveller up of dirt, to the hedger and ditcher, the ploughmen, the mower and thatcher; and lastly the woodmen, whom I have always placed at the top.<sup>53</sup>

While Cobbett's placing of the woodman at the head of the body of country workers may have been merely a matter of personal inclination, this passage usefully establishes the differentiation among workers that confounds the reductionist label 'farm labourer'. It would be misleading to argue that in the colony skilled farm labourers formed a 'labour aristocracy'; it has been seen that such a description is anyway problematic, and it is not clear that these rural labourers held themselves to be separate from general workers. Yet it can be seen that expert workers among them experienced enhanced conditions and allowances, a theme more fully addressed in chapters three and five. As with Maxwell-Stewart's skilled convict labourers on Sarah Island, in rural Van Diemen's Land skilled labour was best extracted by carrot rather than stick.

Whilst fruitful, the analysis of the stated former occupations of convicts can only provide a partial understanding of their role and utility as rural workers. It has been shown that convicts not uncommonly had worked in various occupations prior to their transportation. Clearly, it is then false to deny the possibility of further shifts and training in the colony. Such occupational mobility is evident in the life of Simon Brown, who arrived in the colony in 1841, sentenced to fourteen years by the Preston

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<sup>52</sup> Ian Dyck, *William Cobbett and Rural Popular Culture* (Cambridge: Cambridge University Press, 1992), pp. 101-102.

<sup>53</sup> *Political Register* 28 February 1835, cited in I. Dyck, *op. cit.*, p. 101.

Assizes in July 1840 for his part in a burglary.<sup>54</sup> Although arriving at the end of the period under consideration here, Simon Brown offers a particularly useful example as his letters to his father allow his experience beyond his sentence to be considered.<sup>55</sup> Described in the convict records as “weaver, engineer” and “engine driver”, Brown was not in a group obviously in demand in the colony.<sup>56</sup> Arriving in 1841 he entered the Probation System that followed the abandonment of assignment. On arrival, in common with all prisoners at this time, he entered the probation stations, in his case for a period of sixteen months.<sup>57</sup> Following this period, Brown went into private employment, and in this can be seen to have resembled those earlier placed in assignment. He worked for a number of settler farmers, before finding long term employment on the property of Edward Bisdee, at Lovely Banks.<sup>58</sup> Simon related to his father that he had worked for Bisdee as ploughman and waggoner, and latterly as overseer on the farm. This transition had entailed acquiring skills with the plough, ox-cart, and sheep and cattle management. Brown had evidently attained some facility among livestock and farming work, as Edward Bisdee had maintained him in his employ after his sentence had elapsed, and in the elevated position of farm foreman.

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<sup>54</sup> 2874 Simon Brown, *per David Clarke*, AOT Con 31; *Preston Chronicle*, 4 July 1840.

<sup>55</sup> Lancashire Record Office DDX 505/1-34. Simon Brown was transported to Van Diemen's Land while his half-brother Richard was transported for a separate offence to New South Wales in 1840. Letters from both men are collected in this archive sequence. The correspondence of the two men is explored in the forthcoming work B. Hindmarsh, “Wherever I go whill wright to you”, in L. Frost and H. Maxwell-Stewart (eds.), *Chain Letters; Narrating Convict Lives* (Carlton: Melbourne University Press, publication 2001).

<sup>56</sup> 2874 Simon Brown, *per David Clarke*, Con 31 and Con 18.

<sup>57</sup> For an account of the Probation System, as yet unduly neglected by historians, see I. Brand, *The Convict Probation System of Van Diemen's Land 1839-54*, (Hobart: Blubber Head Press, 1990). Under the probation system, implemented in 1839, all arriving male prisoners underwent a period of ganged labour. After this time in the Probation Stations they entered a probation pass scheme, and were hired out to private employers on short contracts until the completion of their sentence. The system continued until the cessation of transportation to Van Diemen's Land, although its operation was been seriously tested by the depression of the 1840s, during which time it was difficult to place the convicts in private employ.

<sup>58</sup> 2874 Simon Brown, *per David Clarke*, AOT Con 31; LRO DDX 505/31, Letter of Simon Brown 1 June 1858.

Simon Brown's experience is perhaps most telling, as it demonstrates the progression of a weaver and engineer to a skilled and valued farm overseer; weavers might generally be presumed to be the least applicably skilled, or physically suited to such work. Retraining among convict labourers was indicated in Nicholas and Shergold's work. They argued that while skilled rural labour was well supplied among transported prisoners, in a proportion resembling that found in the 1841 British census, the lower number of unskilled rural labourers could readily be made up from the pool of less skilled urban labourers, provided they were young and fit.<sup>59</sup> Although the apparent emphasis on the unskilled nature of rural labouring is questionable, it is evident that convicts could and did adapt to farm work. In his account of the colony Henry Widowson advised would-be settlers that as few shepherds were to be found among the convict servants: "It will be necessary to select, out of your own establishment, the steadiest and most careful man you have, who, although he may have been a chimney-sweeper, will do well enough".<sup>60</sup>

More practical advice on training convict servants was to be found in James Atkinson's writing. Atkinson noted:

Considerable difficulty is ... experienced in obtaining good shearers and every person will find it in his interest to cause as many of his servants as possible to be instructed in this art ... I have always made it a practice to cause any sheep that were to be killed to be first shorn by a man that was a stranger to the art; and when any happened to die, to cause their wool to be taken off in the same manner; by this means I have instructed and made good shearers, several that have never had a pair of shears in their hands before.<sup>61</sup>

Indeed, Atkinson advanced the opinion that under the correct supervision "a weaver, or button-maker, after a few months experience" would prove a more useful shepherd

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<sup>59</sup> S. Nicholas and P. Shergold, "Convicts as workers", in S. Nicholas (ed.), *op. cit.*, p. 72.

<sup>60</sup> H. Widowson, *Present State of Van Diemen's Land* (London: 1829), p. 151.

<sup>61</sup> J. Atkinson, *An Account of Agriculture and Grazing in New South Wales* (London: Cross, 1844), p. 119.

than one, "brought up a shepherd in England". Such a person he stated, "may have acquired habits or prejudices extremely difficult to shake off".<sup>62</sup> While it may be true that certain practices and methods were not of equal utility in both Britain and Australia, it can also be considered that a man without previous experience was less likely to question the knowledge of his master, or offer conflicting practices and knowledge in the care of the flock. It was not, it should be noted, only convicts who had new skills to master. On 15 March 1824 James Sutherland noted in his journal; "I shore six of the longest woolled sheep - they were pretty well done for a first attempt".<sup>63</sup> In October he was again employed shearing; "we shore only 52 today - Colin 20 - I 18 & Brown 14".<sup>64</sup> With a flock of over five hundred sheep Sutherland and his assigned servants faced a steep learning curve.<sup>65</sup>

The focus of attention above has been on the importance of recognised farming skills. While pastoral and agricultural labour was plainly a crucial concern of settlers' rural enterprise, it should be seen that rural properties also required to be largely self-sufficient, often being remote from services in towns such as Hobart or Launceston. In her discussion of Van Diemen's Land female convicts' rural employment, Kirsty Reid has emphasised this self-sufficiency in accounting for the assignment of various tradeswomen to rural positions.<sup>66</sup> Similar imperatives guided the placement of certain male prisoners in rural assignment. As N.G. Butlin noted the rural sector demanded not only shepherds, cattlemen, and ploughmen, but there was also a "considerable demand for building skills, for construction and maintenance of drays and carts, harness-making and repair, [and] tool making".<sup>67</sup> Hence it can be considered that the

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<sup>62</sup> *Ibid.*, p. 180.

<sup>63</sup> Journal of James Sutherland, 15 March 1824, NS 61.

<sup>64</sup> *Ibid.*, 12 October 1824. Colin was a free servant, Thomas Brown an assignee.

<sup>65</sup> *Ibid.*, 13 October 1824. Sutherland stated his sheep flock as 516 animals.

<sup>66</sup> K.M. Reid, *op. cit.*, pp. 220-225.

<sup>67</sup> N.G. Butlin, *Forming A Colonial Economy, Australia 1810-1850* (Cambridge: Cambridge University Press, 1994), p. 46.

assignment of prisoners such as Richard Groombridge, a blacksmith and farrier, to Thomas Archer, and of Peter Fitzsimmons, a rough carpenter, to William Archer, was an important asset to their respective employers.<sup>68</sup> Similarly those with skills to make and repair the clothing and footwear of the assignees on the property were valuable servants; convicts such as Joseph Seale, a boot and shoe maker assigned to Edward Archer in 1835, and William Campbell, a tailor, assigned to Thomas Archer in 1833.<sup>69</sup> Although convicts with such skills were not employed at their trades constantly on the property, these abilities were a valuable addition to the assigned workforce.

On larger land holdings the number of assigned servants could be considerable. Joseph Archer stated in a letter to the Principal Superintendent of Convicts in 1828 that he had nineteen prisoner servants currently in his employ. Archer's letter is of further significance in that he described the disposition of the servants: seven employed as shepherds, one as a cowherd, one as a house servant, one as a shoemaker, and one as a groom. The others he declared unfit for the work required of them.<sup>70</sup> While his classification of the men as unsuited to labour is unreliable, the letter more broadly reveals the varied labour roles carried on by assignees on such establishments. In 1832 the convict workforce on Archer's three properties had grown to thirty-three men.<sup>71</sup> A workforce of this number was not, however, typical. An analysis of statistical returns of population and farming enterprise in the Morven and Westbury districts in the period 1838-44 has shown that relatively few employers had more than twenty convict servants.<sup>72</sup> On establishments

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<sup>68</sup> 805 Richard Groombridge, *per Lord Lyndoch*, AOT Con 31, Con 23; 486 Peter Fitzsimmons, *per Larkins*, Con 31, Con 23; Home Office Musters 10/48, 10/49, 10/50.

<sup>69</sup> 1986 Joseph Seale, *per Waterloo*; 1643 William Campbell, *per Isabella*, Con 23, Con 31, HO 10/49, HO 10/50.

<sup>70</sup> Letter of Joseph Archer, 8 May 1828, CSO 1/287/6833.

<sup>71</sup> Return of Convicts employed on Pansanger, Woodside and Burlington, 29 April 1832, compiled by Joseph Archer, CSO 1/287/6833. This return is reproduced as Table 2.1.

<sup>72</sup> No Author, "Labour in rural Van Diemen's Land", *Push From the Bush*, 22 (1986), pp. 39-47. This analysis used CSO 49 series returns, which offer an incomplete series of figures. It is not possible to extend this method more broadly in the colony using these returns, nor was it fruitful to

running not more than 3000 sheep, and there were only a limited number of properties with sheep flocks in excess of this figure, few employed more than eight assigned servants.<sup>73</sup>

Assigned male convicts did not supply all the labour requirements on the farms in the colony. In many cases the settlers themselves laboured alongside their convict farm servants, and the contribution made by family members should not be underestimated. Women, free and convict, performed a variety of important labour roles in colonial farming. The important role of assigned female labour, long undervalued in the historiography, has been vividly described in Reid's work. Reid argues that female convict servants performed various labour roles, and their work was highly valued by their employers. In the rural economy the demand was particularly for women with experience as dairymaids, although women's labour also made a significant contribution to other forms of outdoor work. Harvesting, arguably the most important period on arable farms, and certainly the most labour-intensive season, was a site not only of male, but of female labour. Far from being of only marginal significance, the contribution of women in these areas was of key importance in the financial sustainability of colonial farms.<sup>74</sup> The labour of female convict servants on colonial farms accords with contemporary patterns of rural labour in Britain, where women and children were enlisted not only in harvest work, but in further outdoor work such as weeding, planting, and feeding stock.<sup>75</sup> Rural labour in Van Diemen's

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rework the analysis of this paper.

<sup>73</sup> *Ibid.*, p. 41.

<sup>74</sup> K.M. Reid, *op. cit.*, pp. 210-222. Reid's work forms an important transition from much earlier work that had tended to discount female convict labour in the colonial economy. Previous writing had perceived women in terms of their reproductive labour, and had undervalued the importance of their productive labour. See for example K. Alford, *Production of Reproduction? An Economic History of Women in Australia 1788-1850* (Melbourne: Oxford University Press, 1984), p. 80; M. Perrot, *A Tolerable Good Success; Economic Opportunities for Women in New South Wales 1788-1830* (Sydney: Hale and Ironmonger, 1983), p. 37. While the revisionary *Convict Workers* found female prisoners to have high skill levels, they considered this was "squandered" by the state; see S. Nicholas and P. Shergold, "Unshackling the Past", in S. Nicholas (ed.), *op. cit.*, p. 10.

<sup>75</sup> W.A. Armstrong, "Rural population growth, systems of employment and incomes", in G.E. Mingay (ed.), *Agrarian History of England and Wales 1750-1850* (Cambridge: Cambridge University Press, 1989), pp. 677, 683-688; A. Orr, "Farm servants and farm labour in the Forth Valley and



Land was not monopolised by male prisoners; rather it should be recognised that in rural assignment male and female convicts laboured as part of integrated farming enterprises, and part of a broader mixed rural society.<sup>76</sup>

Additional labour was required on rural properties at times of peak labour demands. Harvest was a period of particularly high labour requirements, falling in the months February-April. As argued above, this might involve female convict servants in addition to the male convict workers. Co-operation between masters was another possible means to ease the burden, and ensure that grain was cut at ripening. James Sutherland enlisted the assistance of Andrew Gatenby's convict servants alongside his own to bring in his first harvest in the colony in February 1824.<sup>77</sup> Even so, this was work, he confided to his journal, which "goes on very slowly".<sup>78</sup> Other employers appear to have manipulated the management and sentencing of their convict labourers in order to maintain them for the harvest. In October 1832 Henry Castle laid his memorial before the Lieutenant-Governor seeking his ticket-of-leave. Castle's memorial stated that his master, Temple Pearson, had refused to endorse his

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South-East Lowlands", in T.M. Devine (ed.), *Farm Servants and Labour in Lowland Scotland 1770-1914* (Edinburgh: John Donald, 1984), pp. 32-35. A. Howkins, *Reshaping Rural England: A Social History 1850-1925* (London: HarperCollins, 1991), pp. 101-108. While women's fieldwork was seen as increasingly in contest with ideas of femininity, it remained economically vital. Orr p. 34 states that a survey of 27 farms in the Lothians in the 1870s found women formed 46% of the workforce. Elsewhere in the mid-nineteenth century ganged female agricultural labour was an important addition to the rural workforce; such gangs of women caused some moral concern among contemporary observers.

<sup>76</sup> In the necessary partial integration of convicts into social relationships with settlers that they laboured alongside, and into the broader rural society suggested here a comparison with the experience of Prisoners of War employed on British farms during the Second World War can be considered. Between 1941-45 Italian and latterly German Prisoners of War were placed on British farms, at first closely supervised, latterly their conditions were relaxed to the situation where two or three individuals worked unsupervised and unguarded, and from 1942 were billeted with farmers; see B. Moore, "Axis Prisoners of War in Britain During the Second World War: A Comparative Study", in B. Moore and K. Fedrowich (ed.), *Prisoners of War and their Captors in World War II* (Oxford: Berg, 1996), pp. 21, 29-31, 34-35. A similarity of experience between these groups can be suggested as both performed necessary agricultural labour, meeting a significant labour demand, and both can be seen to have had experience of being an opposite 'other', yet being integrated to some extent within the social context of their working environment. The full nature of the uncertain status of both groups in this way, and their relation to broader rural society remains unresolved.

<sup>77</sup> Journal of J.C. Sutherland, 10-11 February 1824, NS 61.

<sup>78</sup> Journal of J.C. Sutherland, 24-25 February 1824, NS 61.

application for a ticket-of-leave until after the completion of harvest.<sup>79</sup> As Henry Castle wrote in October, the completion of the harvest could be a further four months distant. Having arrived in the colony in 1828 under a sentence of seven years, and having committed no recorded offence in the colony, the ticket-of-leave was an indulgence Castle could have anticipated he had fairly earned. In accounting for his actions toward Henry Castle, Pearson declared that he “did not consider him an object for indulgence”, but that he had “promised to sign his memorial after the Harvest”.<sup>80</sup> While Pearson may have had some reason for dissatisfaction with Castle’s work that is not recorded, it is significant that the dispute centred on the harvest, and that the ticket-of-leave was held out as an indulgence for labour in that season. Temple Pearson, well aware of the demands on labour at this time, can plausibly be argued to have been attempting to guarantee his work force in the crucial harvest period.

Further labour was available to settlers from the government in the form of loan gangs. Surviving correspondence relating to this supply of labour suggests that the matter arose and was treated as an annual emergency initially, before more regular provision to meet the demand was made. In January 1829 James Gordon, then Principal Superintendent of Convicts, informed the Colonial Secretary that in the previous year, “about 150 men” had been loaned to settlers to assist in getting in the grain, and in the present year, “applications for Harvest Men amount at this moment to upwards of 200 and the representations from the Country induce me to believe they are very much wanted”.<sup>81</sup> While the policy of the administration certainly favoured the supply of additional labour, this was subject to constraints, as the annotation of the Colonial Secretary to Gordon’s letter revealed: “The Lieut. Governor is very desirous that the settlers should be accommodated as far as it is possible without impeding the

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<sup>79</sup> Memorial of 896 Henry Castle, *per Woodford* (2), 22 October 1832, CSO 1/598/13671.

<sup>80</sup> Letter of Temple Pearson, 3 November 1832, CSO 1/598/13671.

<sup>81</sup> Letter of James Gordon, 29 January 1829, CSO 1/224/5436.

public works”.<sup>82</sup> Josiah Spode, as Principal Superintendent of Convicts, before the harvest season of 1830 sought to forestall such a sudden demand by advertising the availability of assistance in the *Gazette*.<sup>83</sup>

The discipline of prisoners allocated from public works as harvest labour in this way was a matter of concern. In a personal note Governor Arthur stated: “I have already determined that assistance should be offered, but, aware of the injury it is to the discipline of the Prisoners, and the loss to Government, I wish it to be as limited as possible and the best behaved men selected”.<sup>84</sup> Loss of labour to the government was an important factor that tended to limit the number of prisoners made available to the Principal Superintendent of Convicts. As James Gordon attempted to meet the settlers demands in early 1829 it is evident that other sections of the colonial administration did not co-operate. In an urgent letter to John Burnett, Colonial Secretary, he asked:

I beg leave to ask what can 34 men do, or rather how am I to distribute 34 amongst applicants who require ten times the number. In the Harvest of 1828 there were at least 200 men distributed on loan to the settlers to get in their harvest, indeed I never knew one year in which all the men who could reap were not immediately dispatched on the application of the settlers.<sup>85</sup>

On the following day Gordon wrote a further letter indicating the prisoners he wanted for allocation to settlers: “Any man in the Public Works not a mechanic or confined to a chain gang who can use a sickle whether in the Penitentiary or out, should, I respectfully beg leave to submit be sent to the Settlers with every facility of Dispatch”.<sup>86</sup>

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<sup>82</sup> Annotation of J. Burnett to Letter of James Gordon, 9 January 1829, CSO 1/224/5436.

<sup>83</sup> Letter of Josiah Spode, 25 December 1829, CSO 1/224/5436.

<sup>84</sup> Note of Lieutenant Governor Arthur, 11 January 1829, CSO 1/224/5436.

<sup>85</sup> Letter of James Gordon, 20 January 1829, CSO 1/224/5436.

<sup>86</sup> Letter of James Gordon, 21 January 1829, CSO 1/224/5436.

Despite these disputes over the number of prisoners to be allocated from government service to settlers for the harvest, it is clear that the administration did seek to meet settlers demands; the grain harvest was vital to the colony's rural economy. Individual applications were in certain instances attended to by Arthur himself. Governor Arthur appended a memorandum on the matter in January 1831 with, "one Jno. Cassidy particularly begged for three or four men to aid in getting in his harvest & if they can be spared I should approve".<sup>87</sup> Indeed at harvest the consideration of the colonial government extended to those not normally favoured by the Principal Superintendent of Convicts. In January 1828 Thomas Dixon submitted a memorial to Governor Arthur seeking harvest labour. Dixon held 330 acres at Ralph's Bay, 45 of which were under the plough; his farm was he stated, "inferior to none in this or the adjoining districts".<sup>88</sup> His harvest was ready to cut, yet Dixon had no assigned men, nor could he afford to engage a hired man for the season, and he therefore sought the loan of three servants from government to harvest his crop.<sup>89</sup> Inquiry to the Principal Superintendent's office revealed that Dixon had not been assigned men as his daughter lived in a state of adultery with R.L. Murray at Dixon's residence. Such reasoning sheds interesting light on the less obvious circumstances governing the distribution of convict servants. Arthur, normally a stickler for moral propriety, considered the harvest to be of such importance that it over-rode his usual concerns: "At all events, the produce of the Harvest being so important I should desire his request of having 3 men for the purpose of getting in his crops to be complied with".<sup>90</sup>

While the need for additional harvest labour can be seen to have caused a certain amount of consternation among the colonial authorities, it followed an established pattern of rural employment in Britain. Migrant harvest labour had met

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<sup>87</sup> Note of Governor Arthur, 31 January 1831, CSO 1/224/5436.

<sup>88</sup> Memorial of Thomas Dixon, 2 January 1828, CSO 1/224/5424.

<sup>89</sup> *Ibid.*

<sup>90</sup> Annotations to the memorial of Thomas Dixon, 2 January 1828, CSO 1/224/5424.

similar seasonal demands in Britain, and not only in the pre-industrial period. Certainly as late as 1850 this continued to be an essential labour resource.<sup>91</sup> Harvest labourers were drawn from both the surrounding countryside and also, as the period progressed, increasingly from industrialising urban areas. Migrant harvest labour confounds simple notions of rural and urban; until the 1890s urban labourers, particularly the unemployed were engaged in such tasks.<sup>92</sup> This raises the likelihood that among those prisoners presenting themselves as possessing solely urban skills or occupations, there may be unrecorded and hence invisible experience of seasonal agricultural work. In this context it is particularly significant that Collins refers to handloom weavers in Yorkshire and stocking weavers in Cambridgeshire being amongst the seasonal rural workforce.<sup>93</sup> Equally the Kentish hop harvest was brought in with the labour of seasonal migrants from London. Such convicts have been regarded as among the least suited to rural labour; such a representation may to a degree be misleading.

Arguably the most unproblematic evidence suggesting the utility of assigned convict labour in rural Van Diemen's Land is the successful development of pastoral and agricultural enterprise discussed in the previous chapter. Convict labour was fundamental in this process. It has been suggested that in the 1830s the productivity of convict labour was two-thirds that of labour in Britain; a significant achievement in an economy that faced the challenge of marrying penal requirements to those of economy in the management of labour.<sup>94</sup> In less abstract terms, this chapter suggests that the system of assignment managed convict labour reasonably rationally, if not

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<sup>91</sup> E.J.T. Collins, "Migrant labour in British agriculture in the nineteenth century", *Economic History Review*, 29 (1976), pp. 38-45; E.J.T. Collins, "Harvest technology and labour supply in Britain, 1790-1870", *Economic History Review*, 22 (1969), pp. 464-67.

<sup>92</sup> E.J.T. Collins, "Migrant labour", pp. 40-42.

<sup>93</sup> *Ibid.*, p. 42.

<sup>94</sup> R.V. Jackson, "The colonial economies: an introduction", *Australian Economic History Review*, 38 (1998), pp. 10-11.

perfectly, as far as was possible within the constraints of supply. The results of this management were manifest in the proportion of those with former rural work experience placed in rural assignment. Emphasis has also been given to the range of skill required by settlers, and possessed by assignees in the rural economy. Rural labour was not simply a matter of finding shepherds and ploughmen, but also carters, cobblers, and cowhands. Indeed, while focussing on male assignees, this section has also drawn attention to the diverse nature of the rural workforce, including free and bond, male and female. From the foregoing discussion it would appear difficult to take literally settlers' complaints of the poor quality of their convict servants. These criticisms can be met partly by the argument of James Collier; settlers sought to allay criticism of themselves by arguing that the labour granted to them was not cheap, and was not efficient.<sup>95</sup> In determining the utility of convict labour, however, the key factors were not so much the former trades and working experience of the convict servants, as the methods of management employed in extracting labour, and the convicts' responses to these methods. These important factors form the focus of the following chapters.

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<sup>95</sup> J. Collier, *The Pastoral Age in Australia*, (London: Whitcombe and Tanks, 1911), p. 108.

Chart 2.1 Comparative Distribution of Occupational Skills of Sample of 539 Male Convicts Assigned to Rural Employment, and Entering V.D.L. 1820-35, with Sample of 17,911 Convicts Entering N.S.W., 1817-40, in S. Nicholas (ed.), Convict Workers.

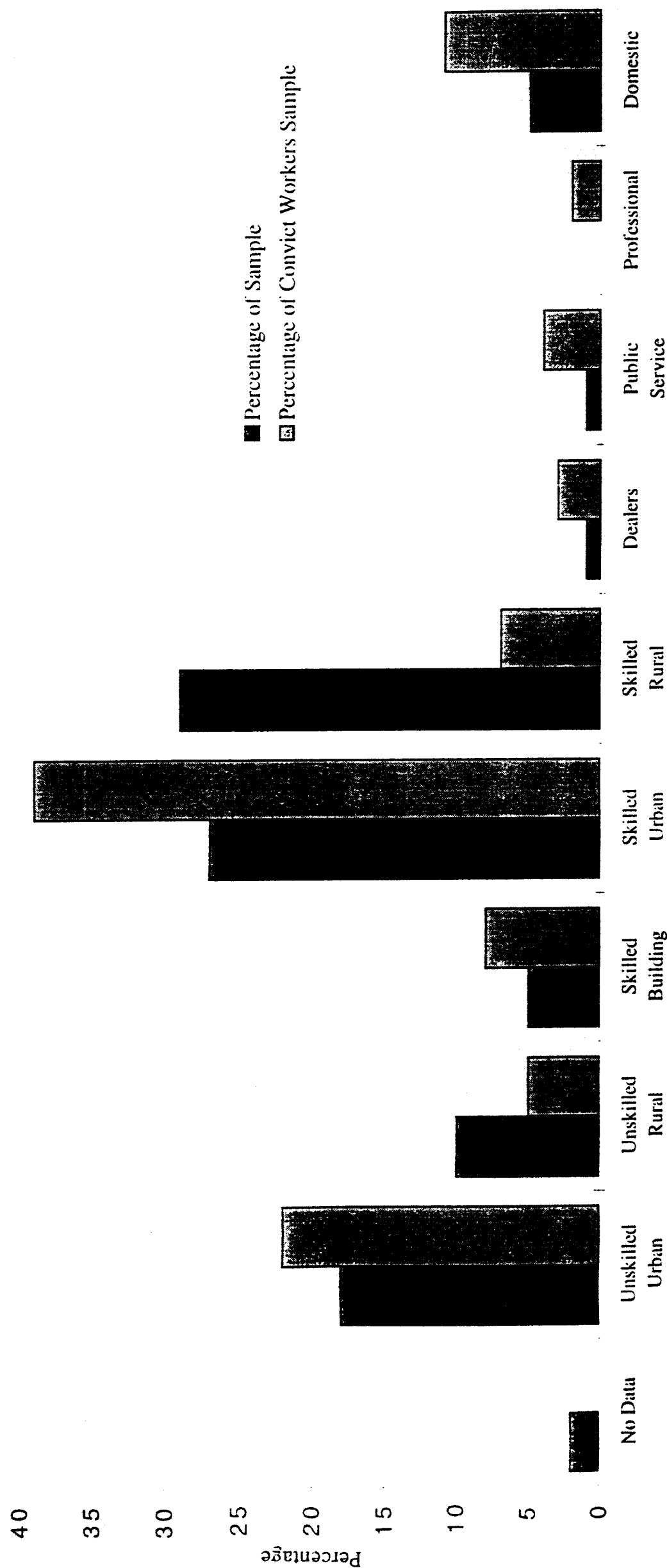
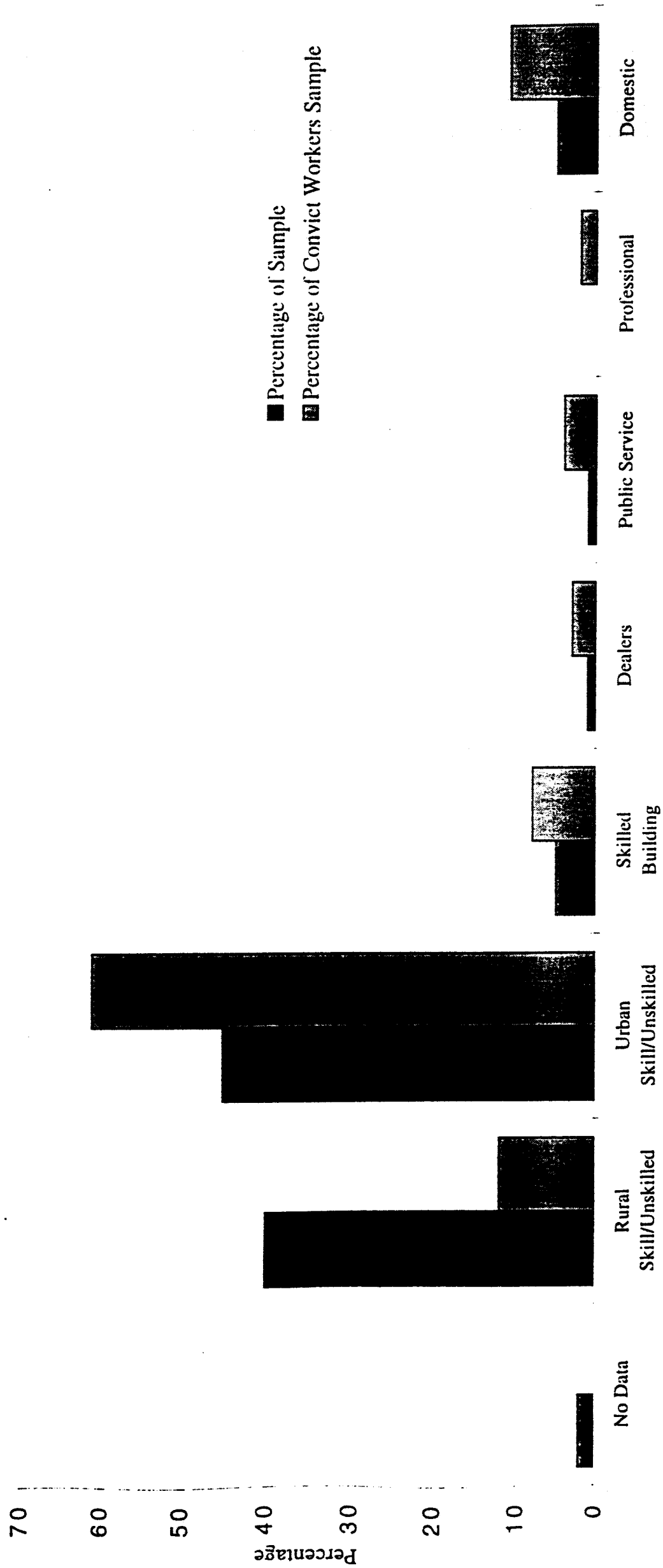


Chart 2.2 Comparison of Rural/Urban Trades Bias of Sample of 539 Male Convicts Assigned to Rural Employment, and Entering V.D.L. 1820-35, with Sample of 17,911 Convicts Entering N.S.W., 1817-40, in S. Nicholas (ed.), Convict Workers.





**Table 2.1**

**Return of Convicts Assigned to Joseph Archer at Pansanger, Burlington, and Woodside, 29 April 1832 and Submitted by Archer to Government**

<b>Name</b>	<b>Position</b>	<b>Remarks</b>
James Slaughter	A Ploughman	
John Woollett	Do.	came as a Druggists Labourer
Wm. Gunn	Do.	good, but subject to much illness
I. Gooday	Do.	a bad one, lays about half his time from Rheumatism
Wm. Reece	Do.	inferior
John Farrant	Labourer	employed in garden
Joe Billing	Do.	employed as a shepherd
John Heath	Do.	not a farm labourer
Horatio Collins	Do.	Jobbing man, not used to farm work at home
Thomas Walker	Do.	a paper maker
Wm. Proudley	Do.	farm labourer, cannot plough
Daniel Ellis	Do.	Can work with a spade, a collier
John Fletcher	Do.	Do.
Stephen Steptoe	Do.	A jobbing man, old and infirm
Geo. Gaylor	Do.	<u>described</u> a ploughman but cannot plough
Chas. Lee	Do.	<u>Not a farm labourer</u>
Walter Snow	Do.	Brickmaker many years in the colony
Thos. White	Do.	Jobbing man, a cripple
Thos. Freeman	a Butcher	a cripple
Sam Hollingsworth	Labourer	ruptur'd not fit for work
Thos. Watson	Do.	a <u>Boatman</u>
James Cook	Groom	
Thos. Amos	Cook	
Henry Barton	Tailor	
Samuel Wilcox	Cowkeeper or Cow herd	
Goerge Gibbons -		
Wm. Thomas -		
Thos. Riddial -	Boys	
W. Paradise -	sent out for forgery unfit for labour	
Sydney Smith	Milkman	
George Collins	Blacksmith	

Source: AOT CSO 1/287/6833

## Chapter 3

### Convict Rural Labour Management and Supervision

Masters of assigned convict labour faced particular problems in managing their men, as Edward Curr complained:

The labourer is a slave, with no motive to impel him but fear; his maintenance must be provided let him work or not. He is therefore idle and discontented, nay worse, he is contumacious and insolent. If the master be easy, the man is easier still; if he be generous, his good nature is imposed upon; if he be strict, there are a thousand ways of retaliation; his ploughs are broken, his sheep lost, his working oxen are sure to be missing or lame when required ... In a word, the [assigned] men are fed, and clothed, and provided for, while the master is a prey to care and perplexity.<sup>1</sup>

Although Curr's position as a master of assigned servants may have led him to exaggerate the extent to which the employers of convict labour were disempowered, his comments do reveal identifiable areas of difficulty. Settlers were posed with the problem of extracting labour from men who were not necessarily compliant, nor readily motivated by the means at the colonists' disposal. While supported by law, masters may have felt themselves impotent when faced by the various modes of reprisal at their labourers' hands. As Curr suggested, it was no simple task to place the yoke of rural labour over the potentially unwilling shoulders of prisoner servants. This chapter examines the management of rural assigned labour in the colony, which has received relatively limited attention in the scholarly literature. Maxwell-Stewart's work has afforded important insights into rural labour supervision, but as yet there has been no concerted study.<sup>2</sup> Investigation of this aspect reveals, however, an element of

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<sup>1</sup> E. Curr, *An Account of the Colony of Van Diemen's Land* (London: George Cowie, 1824), p. 120.

<sup>2</sup> H. Maxwell-Stewart, 'The Bushrangers and the Convict System of Van Diemen's Land', unpublished PhD Thesis, University of Edinburgh (1990), pp. 83-89, 110-130 *passim*; H. Maxwell-Stewart, 'Reckoning with *Convict Workers* in Van Diemen's Land', *Working Papers in Australian Studies*, Paper No: 61 (London, University of London, 1990), pp. 14-17. See also P.J. Byrne, *Criminal Law and Colonial Subject: New South Wales, 1810-1830* (Cambridge: Cambridge University Press, 1993), pp. 57-60; J.B. Hirst, *Convict Society and its Enemies: Early New South Wales* (Sydney: Allen and Unwin, 1983); A. Atkinson, *Camden: Farm and Village Life in Early New South Wales* (Melbourne: Oxford University Press, 1988), pp. 13-42. Byrne, Hirst, and Atkinson discuss events in New South Wales. Alan Atkinson discusses rural convict management, but his

rural life in the colony essential to the understanding of the experience of both convicts and settlers.

Rural labour management can be considered to consist of two elements; those which tended to the supervision of work, and encouraged the correct performance of labour, and those that enacted discipline. In practice such a division may have been blurred. The manipulation of diet, for instance, could act as either incentive, or punishment, but this provides a useful framework from which to begin the examination of farm management. Supervision of farm labour was an area of considerable importance, but also one of difficulty. By its very nature, much of agricultural labour was inimical to close supervision. While it was possible to exercise close control over the work of the men in the field at harvest, it was not practicable to closely monitor the shepherd at his work. A supervisory eye was cast over the convict labourer not only by the assignee's master, but on larger estates also by convict overseers.

Settlers residing on their rural property always had a role in the management of their assigned men. On smaller farms, such as that of James Sutherland on the Nile River, this role was commonly very direct. Sutherland typically laboured alongside his prisoner servants, and it was also his habit to give instructions personally to the men on their labour and duties. A further task assumed by Sutherland was that of distributing provisions to his men.<sup>3</sup> On larger estates, such as those of Joseph Archer, or William Archer, direct superintendence of the convict servants rested in the hands of

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focus tends toward the experience of free emigrant labour on the Macarthur's properties at Camden in the post-transportation period.

<sup>3</sup> See for example Journal of James Cubbitson Sutherland 9 August 1824, 31 January 1826, especially 9-11 February 1826, NS 61; "Colin, Cleaver & Rowland shearing the lambs, I rolled up the fleeces, Smalley acted as Shepherd Brown being confined to his bed with diarrhoea". Colin was a free man engaged by Sutherland at the time of his first arrival, and remained in his employ until 28 July 1829 when Sutherland recorded, "All hands as yesterday, except Colin who left me this day - with all his faults he has many virtues - I wish him every happiness". Colin appears to have been a free labourer, and not to have assumed superintendence of the convict servants. No prior mention was made in the diary of Colin's intention to leave, nor any mention made of his intentions upon leaving, hence the reasons for this apparently sudden departure remain unknown.

overseers. The contemporary description of these individuals as overseers perhaps invites the comparison to slave overseers; while such a comparison may be in some ways apt for overseers within penal stations and road gangs, it is, however, misleading in the context of assigned agricultural labour in the colony.

Within the confines of the colony's penal stations, overseers were unquestionably feared and despised. Maxwell-Stewart's study of Sarah Island penal station reveals the brutality imposed upon ganged convicts, and most tellingly the corresponding violence meted out by prisoners against their overseers. Attacks might be immediate, such as the stabbing of an overseer in 1822 by James Crawford, who had refused to work, or the incident when Joshua Seaburn assaulted his gang constable with a heavy hammer in 1831. Vengeance against overseers might also be exacted later, beyond the confines of the penal station itself. In 1827 William Hopper found himself alongside John Flynn, an overseer from his time at Sarah Island, when he was in Hobart Prisoners' Barracks. Hopper attacked the man, inciting his fellow inmates to do the same.<sup>4</sup> Similar emphasis has been placed on the violence of labour supervision among ganged convicts in Moreton Bay penal station, enacted by overseers and constables drawn from the convict ranks.<sup>5</sup> In such situations pain and punishment, rather than production, were central to the labour process. In this respect, penal station overseers exceeded slave overseers, who often tempered the imposition of pain in order to promote labour and morale.<sup>6</sup>

While penal station overseers differed from slave drivers in this regard, in other respects they resembled them. Physical coercion was fundamental to the management of plantation labour in the British Caribbean. Slave gangs laboured under the direction of a slave driver, who threatened and coaxed, inflicting punishment on

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<sup>4</sup> H. Maxwell-Stewart, "Convict Workers, 'Penal Labour' and Sarah Island: Life at Macquarie Harbour, 1822-34", in I. Duffield and James Bradley (eds.), *op. cit.*, pp. 154-6.

<sup>5</sup> T. O'Connor, 'Power and Punishment: The limits of resistance; the Moreton Bay Penal Settlement 1824-42', unpublished BA (Hons) Thesis, University of Queensland (1994), pp. 40-1.

<sup>6</sup> H. Maxwell-Stewart, "Convict Workers, 'Penal Labour' and Sarah Island", pp. 154-55.

those who lagged.<sup>7</sup> Like the slave driver, the penal station overseer inflicted immediate punishment at work. Rural overseers, however, did not impose physical sanctions on assignees. Masters or overseers of assigned servants were forbidden to use force in the personal governance of convict labourers. Consideration of the labour processes involved suggests that the use of force sanctioned within penal stations, and inflicted upon slave labour, would have been counter-productive in the context of farm labour. Examination of slave labour management in ante-bellum America has shown that while physical coercion may have been of use in promoting pure physical effort, it was deleterious to care intensive tasks. Moreover, in situations where the employer's capital, in the form of livestock, crops or implements, was in the care of the labourers, the use of physical coercion would tend to promote costly retaliation.<sup>8</sup> In the context of convict Van Diemen's Land, this suggests that a regime of labour supervision in which overseers wielded physical force over the prisoners was applicable to unskilled ganged labour in penal stations, or on the roads, but not to agriculture.

Lacking the instruments of violence that can be considered to have characterised the overseers of the penal stations, and slave drivers, the rural convict overseer emerges as a rather different figure. Indeed, having removed violence from the management equation, the rural overseer might be seen to resemble certain other aspects of the slave overseer. It was the duty of both to get the labourers out to work at the correct hour, to act as intermediary in the relationship of master/owner and worker, and to supervise the tasks directly.<sup>9</sup> Both slave overseer and convict overseer

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<sup>7</sup> J. Walvin, *Black Ivory: A History of British Slavery* (London: Fontana, 1993), pp. 101-106; B.W. Higman, *Slave Populations of the British Caribbean 1807-34* (Baltimore: Johns Hopkins University Press, 1984), pp. 168-69.

<sup>8</sup> S. Fenoaltea, "Slavery and Supervision in comparative perspective" a model", *Journal of Economic History*, 44 (1988), pp. 636-47; R. Findlay, "Slavery, incentives and manumission: a theoretical model", *Journal of Political Economy*, 83 (1975), pp. 924-25; G. Canarella and J.A. Tomaske, "The optimal utilisation of slaves", *Journal of Economic History*, 35 (1975), pp. 622-29. These ideas have been applied to the experience of transported convicts, notably in S. Nicholas, "The organisation of public work", in S. Nicholas (ed.), *op. cit.*, pp. 161-64; H. Maxwell-Stewart, "Convict Workers, 'Penal Labour' and Sarah Island", pp. 144-45, and T. O'Connor, *op. cit.*, pp. 43-48.

<sup>9</sup> B.W. Higman, *op. cit.*, pp. 168-69; J. Walvin, *op. cit.*, p. 106. The duties of the rural overseer with regard to bringing the men to work and supervising their labour are revealed in the numerous charges brought by overseers against servants on these issues; see P.J. Byrne, *op. cit.*, p.59.

occupied a precarious intermediate position between master and subordinates, in which their authority in practice rested on those below them, as well as those above.<sup>10</sup> To consider the management of plantation slave labour by overseers without violence is, however, to alter fundamentally the character of the relationship between slaves and overseers. Comparison of Van Diemen's Land rural overseers to slave overseers, or those in colonial penal stations is ultimately unsatisfactory. More sustainable is the comparison of rural overseers in the colony to the supervision of farm work in Britain by farm-stewards.

Supervision of labourers on many larger British farms passed from the individual farmer to the farm-steward, or grieve, in the first half of the nineteenth century. Social distance between farmer and labourers increased as farmers' wealth and social aspirations grew. For farmers reaping large profits from inflated prices during the Napoleonic war, it was desirable to remove themselves as much as possible from the local rural scene, to place themselves instead within the context of agricultural societies, shows, and the hunt. As farmers reached towards the ideal of gentry or aristocratic landed life, daily superintendence of the men and work of the farm devolved to the steward.<sup>11</sup> Duties of the overseer or steward were carefully outlined by Henry Stephens in his comprehensive two volume treatise on improved agriculture. Principal among his responsibilities was, of course, the duty of taking orders from the farmer and seeing them executed by those in his charge. Discipline also occupied a significant part of his attention. As Stephens stated, "It is the duty of the steward to

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<sup>10</sup> E.D. Genovese, *Roll, Jordan, Roll; The World the Slaves Made* (New York: Pantheon, 1974), p. 15; M. Craton, *Testing the Chains; Resistance to Slavery in the British West Indies* (London: Cornell University Press, 1982), pp. 41-43; P.J. Byrne, *op. cit.*, p. 58.

<sup>11</sup> A. Howkins, *Reshaping Rural England; A Social History 1850-1925* (London: Harper Collins, 1991), pp. 42-45. Howkin's study refers to these men as foremen or stewards. Contemporary sources also refer to them as grieves, bailiffs, and most significantly as overseers; see H. Stephens, *The Book of the Farm, Volume 1* (Edinburgh: Blackwoods, 1849), p. 13; No author, "Effect of farm overseers on the morals of farm servants", *Blackwoods Magazine*, Vol. III, No. XIII, (April, 1818), pp. 83-87. Although now uncommon, grieves were still an important part of the hierarchy of farm labour in the early twentieth-century; see R. Anthony, *Herds and Hinds; Farm Labour in Lowland Scotland, 1900-1939* (Phantassie: Tuckwell Press, 1997), pp. 232-234.

enforce the commands of his master, and to check every deviation from rectitude and tendency against his master's interests he may observe in the conduct of the servants".<sup>12</sup> Moreover, where the labourers did not follow the commands of the steward, Stephens argued that this should be "reprehended as strongly by the farmer as if the affront had been offered to himself".<sup>13</sup>

Changing relations between farmers, labourers, and farm-stewards were demonstrated in the architecture of new farms. Farm houses often no longer faced the farm yard, or steading, their physical detachment demonstrating their occupants' wish to distance themselves from the sweat and dirt of farm labour. Rather, it was the farm-steward's dwelling that stood in the steading, plainly stating the role of the steward in supervising the work and workers of the farm.<sup>14</sup> An anonymous minister described the condition of labourers in his parish;

On the large farms the labourers are never left at any time to the impulse or control of their own feelings. The overseer goes out with them in the morning; his watch regulates their time of rest, and the hour when they cease from their labour for the night.<sup>15</sup>

Such close supervision the minister argued, however, tended to promote resistance from the workers. As one of their own order of society, workers were doubtful of the steward's authority. Nor, as he was not pleading to protect his own property or interests, did workers readily accept his claim to strict supervision.<sup>16</sup> From the

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<sup>12</sup> H. Stephens, *op. cit.*, p. 14.

<sup>13</sup> *Ibid.*, pp. 13-14.

<sup>14</sup> A. Orr, "Farm servants and farm labour in the Forth Valley and South-East Lowlands", in T.M. Devine (ed.), *Farm Servants and Labour in Lowland Scotland, 1770-1914* (Edinburgh: John Donald, 1984), pp. 46-47. While Alistair Orr's work describes the prosperous grain areas of the Lowlands of Scotland, where improvement was rapid, similar events can also be understood to have taken place in the more rapidly developing areas of England in the period.

<sup>15</sup> [Anon.], "Effect of farm overseers on the morals of farm servants", p. 86.

<sup>16</sup> *Ibid.*

minister's words, the antagonism that this change brought to rural workplace relations is evident.

Overseers of assigned labourers in rural Van Diemen's Land can be considered to have closely resembled the farm-stewards of Britain. In suggesting this, it is considered that the use of overseers in this way (here it is considered significant that they were called overseers in Britain) represented similar attempts at social distancing and devolved management, rather than revealing any more stringent penal motive or purpose.<sup>17</sup> Certainly the larger proprietors in the colony held social aspirations to grandeur. Not only were the employees on their properties of a lower social class, but also tainted by their convict status; it was all the more desirable to limit contact with them under such circumstances. As happened in Britain, under similar conditions, daily supervision of labour necessarily passed to overseers.

Examination of assignees' offences involving overseers plainly reveals the role of these individuals in supervising work. William MacKay, an assigned man under sentence, described his responsibilities to magistrate Malcolm Laing Smith in 1830; "I am assigned servant to Mr. William Archer - I have charge of all the Implements on my Master's Farm - the issuing of Provisions - slops and generally deliver my Master's orders to the people".<sup>18</sup> McKay's account of his duties was later confirmed by his master William Archer, who on a separate occasion described them to the bench; "McKay ... has the general charge or Superintendence of the men's work and seeing they do their duty, and reporting their neglect or improper conduct".<sup>19</sup> Larger workforces, and the nature of certain tasks, required that more than one individual

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<sup>17</sup> It is significant to note that in post-transportation Australia the office of overseer persisted on large rural properties and stations. Jan Walker's study of labour at Jondaryan Station, in modern Queensland, reveals overseers within the hierarchy of labour. The overseer's accommodation and work set him aside from the other men. That this situation continued would tend to suggest that the position of the overseer related to production and management, rather than penal ends. See J. Walker, *Jondaryan Station; The Relationship Between Pastoral Capital and Pastoral Labour 1840-1890* (St. Lucia: University of Queensland Press, 1988), pp. 74-5.

<sup>18</sup> Deposition of William MacKay, 8 June 1830, LC 362/2.

<sup>19</sup> Deposition of William Archer, 27 July 1830, LC 362/2.



acted as overseer. An assault in July 1830 against an assignee acting as overseer at the harvest of the Van Diemen's Land Establishment revealed the hierarchy of authority within the harvest field. Giving evidence against James Langley, John Fleming, manager to the VDLE, stated:

Langely was ordered to draw his team of bullocks up alongside a stack /by one of the overseers / he refused to do so - the overseer complained to Mr. Toosey - when Langley heard of this he beat the overseer most unmercifully - & knocked some of his teeth out.<sup>20</sup> [author's emphasis]

During harvest the division of labour between cutting, stooking, and carting the crop necessitated the delegation of supervisory roles to a number of individuals. Such responsibility did not, however, absolve the overseer himself from work.<sup>21</sup>

Overseers' duties, perhaps unsurprisingly, brought them into conflict with the assigned servants in their charge. Complaints of overseers against convict servants typically centred around the refusal to accept their authority. Paula Byrne found that rural overseers in New South Wales most commonly brought charges of neglect of work, refusal to work, insolence, and the loss of livestock.<sup>22</sup> A similar pattern of reporting emerges in Van Diemen's Land, although the true figures of charges brought by overseers is obscured without question by the number that were reported by overseers to masters, who then presented the charge themselves (Chart 3.1). Abraham Walker presented a charge of 'general neglect of duty and insolence' against Thomas Hall in September 1830, revealing in his statement that the man's conduct had been brought to his attention by his overseer. Following previous complaints, when

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<sup>20</sup> Deposition of John Fleming, 22 February 1836, LC 362/3.

<sup>21</sup> See for example Deposition of Mrs. Anne Brumby, 10 February 1837, LC 362/3; "Last Tuesday the Prisoner was at work with the overseer & the other men reaping". In this instance when the overseer was called from the field to some other task, the remaining labourers stopped working.

<sup>22</sup> P.J. Byrne, *op. cit.*, p. 59.

Walker returned home to his farm Rhodes from town, he found a letter from Peter Imlay, his overseer, relating the assignee's misconduct during his absence.<sup>23</sup>

As in Britain, the overseer had responsibility for enforcing the hour at which the men started work, and finished, and also for their conduct whilst at labour. John Bowtell, overseer to Mr. Ritchie, described his efforts to send the men out to their work in May 1836: "Yesterday morning I ordered the prisoner to go out with his bullocks which were ready yoked - I told him to go three times - it was past nine o'clock before he went out with them - and he kept all the men waiting for him".<sup>24</sup> James Parsons, overseer to William Archer in 1836, brought Richard Walker, John Burrows and Thomas Brown before the magistrate for neglect of work. Parsons had set the three men to dig clay on Friday and Saturday, but in that time he declared they had dug no more than one man might dig in half a day.<sup>25</sup> All three convicts pleaded guilty to the charge, yet the magistrate admonished both Walker and Burrows; Brown was sentenced to thirty-five lashes.

Overseers' role in supervising the work of convict servants could result in personal antagonisms. John Leech responded to a charge brought against him by William McKay, his overseer, with the claim that, "all McKay has stated is false, and ... he has borne me an ill will ever since I have been on the farm".<sup>26</sup> Leech's claim did not ease his situation; he was sentenced to three months in irons at the Launceston chain gang, and thereafter to be returned to his master. McKay's management was again questioned before the magistrate; charged with neglect of work in loitering in his hut to have his dinner, John Smith claimed, "I have not time to cook my dinner, sometimes McKay orders me out before I have been in the Hut half an hour".<sup>27</sup> Like

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<sup>23</sup> Deposition of Abraham Walker, 29 September 1830, LC 362/2.

<sup>24</sup> Deposition of John Bowtell, 18 May 1836, LC 362/3.

<sup>25</sup> Complaint against 1644 Richard Walker, *Isabella*; 1059 John Burrows, *William Miles*; 2400 Thomas Brown, *Bardaster*, 1 March 1836, LC 362/3.

<sup>26</sup> Complaint against 432 John Leech, *Roslyn Castle*, 8 June 1830, LC 362/3.

<sup>27</sup> Charge against 1051 John Smith, *Surrey*, 27 July 1830, LC 362/2.

Leech before him, Smith's accusation against his overseer served no purpose; he was sentenced to solitary confinement, on a ration of bread and water for ten days. A sentence of ten days' solitary confinement was also handed down to Angus McDonald, in August 1833, for insolence to his master, despite his plea in mitigation that his overseer beat him.<sup>28</sup> When overseers did attempt to criticise the work or conduct of the men, they were often answered with sharp insolence. William French, overseer to Thomas Reiby, questioned Thomas Campbell when he returned to the farm drunk, his team of oxen having been returned by another man two hours previously. As French related, "he told me 'to go and ---- myself'".<sup>29</sup> Such insolence was perhaps indicative of the uncertain quality of the overseers' authority in relation to the prisoner servants. Overseers' conduct was not beyond the regulation of the magistrates; when two assignees in Thomas Parker's employ appeared before the magistrate in 1836 on a charge of absenteeism and disobedience, they were admonished, and their overseer James Cummings was reprimanded by the magistrate, and informed that he should "observe better management in future".<sup>30</sup>

Antagonism between convicts and their overseers could end in violence. In May 1836 John Robinson, acting as overseer to W.E. Lawrence, corrected assigned servant John Smith in his work. Smith struck the overseer, and when another servant spoke to him for having done so, Smith stated, "I have not given him enough yet", after which he hit the overseer again twice.<sup>31</sup> A more serious incident occurred in March 1836, when William Brighton, overseer, was charged with fighting with

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<sup>28</sup> Charge against 832 Angus McDonald, *Persian*, 29 August 1833, LC 346/15.

<sup>29</sup> Deposition of William French, 16 January 1837, LC 362/3.

<sup>30</sup> Charge against James Giltrow, *Lady Kennaway*, and Benjamin Drake, *Aurora*, 2 May 1836, LC 362/3. If this represented a victory for Giltrow over his overseer, then it was only short lived; on 8th November 1836 he was again before the magistrate with James Cummings, this time on a charge of "wilful mismanagement of labour - general idleness and insolence". He was sentenced to fourteen days solitary confinement on bread and water. See Charge against 1051 James Giltrow, *Lady Kennaway*, 8 November 1836, Con 31.

<sup>31</sup> Charge against 1972 John Smith, *Lady Kennaway*, 9 May 1836, LC 362/3. For the assault Smith was sentenced to twelve months' hard labour in chains.

William Proudley. Another assigned man, Edward Cushing, described the assault to the magistrate:

Last Sunday evening I saw Mr. Brighton and Proudley scuffling. Mr. Brighton threw him down and kicked him. Proudley got up and caught hold of Mr. Brighton again who again threw him down and kicked him and stamped on him - I did not see how the row commenced - Proudley was drunk ... I never saw Mr. Brighton strike Proudley or any other of the men before - <sup>32</sup>

In his defence William Brighton gave a slightly different account of events:

I followed Proudley into the stable / by Mr. Archer's directions / as he had a light with him and we were fearful he might do some mischief with it he being drunk. When I came up to him he was lying at the stable door with the lantern beside him he appeared to be asleep I took him by the shoulder and shook him and told him to go to bed ... I then left him and was going into the stable when he hit me on the back with this bludgeon which I now produce - I struck him ... he showed fight to me - I knocked him down - he got hold of my legs I then kicked him to disengage myself.<sup>33</sup>

In the light of Brighton's deposition the charge made against him by Proudley was dismissed. Proudley was then brought before the bench and charged with drunkenness at the time of the incident. Found guilty, he received a sentence of twenty-one days solitary confinement on bread and water.<sup>34</sup> Violence plainly was a factor in relations between convicts and those with direct control over them. Overseers on private rural properties were not, however, empowered to administer physical chastisement, nor is there substantial evidence to suggest that this took place. Attacks by convicts on such overseers did occur, but this is not suggested to have been on a scale or of a nature to equate to that in penal stations. These differences tend to suggest an important qualitative distinction between private sector rural overseers and

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<sup>32</sup> Deposition of 1514 William Cushing, 9 March 1836, LC 362/3.

<sup>33</sup> Deposition of William Brighton, 9 March 1836, LC 362/3.

<sup>34</sup> Charge against 746 William Proudley, *Argyle*, 9 March 1836, LC 362/3.

those in ganged or penal labour, under which conditions the supervisory relationship might have more closely approximated to that of slave overseers.

Rural overseers' responsibilities did not solely relate to labour supervision. While the houses of the settlers tended to increase in stature and distance from the men's huts, as they grew in wealth and assumed status, so supervision of the men at their lodgings fell generally to the overseer, whose hut was located alongside those of the prisoner servants. James Parsons, an overseer on William Archer's farm, in May 1836 engaged himself in inspecting the bedding of the assigned men; he brought William Roger forward on a charge of insolence. Rogers cheeked Parsons when he demanded to see two blankets issued in December 1834.<sup>35</sup>

Certain responsibilities for supervising the men's conduct fell to others than overseers. Individuals described as 'Special Constables' appear on two properties. In February 1836 Thomas Archer had a man named John Blackwell acting as a "P.[rivate] Constable" on his property, and in May that year Robert Senior gave evidence to a magistrate as William Archer's "Special Constable".<sup>36</sup> This title was quite distinct to that of overseers, who might also be referred to as 'Superintendents'. Duties assigned to these Special Constables are not made explicit in the record, nor does record of them appear on other properties. It seems plausible that these men's role was to act in the place of a Police Constable on these large properties; that is to police the men's non-work time, and to assist in taking charge of any prisoner servant who committed an offence on the property. In this capacity, such individuals, who have gone unnoticed in previous works, could form an important addition to the understanding of the social and disciplinary hierarchy of large rural properties.<sup>37</sup>

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<sup>35</sup> Deposition of James Parsons, 30 May 1836, LC 362/3. 833 William Rogers, *York* (2), received 50 lashes for his insolence.

<sup>36</sup> Charge against 1675 Benjamin Seth, *Enchantress*, 19 February 1836, LC 362/3; Deposition of Robert Senior, 8 April 1836, LC 362/3.

<sup>37</sup> Although both John Hirst and Paula Byrne consider the role of overseers, neither discuss the role of such 'Special Constables'; see P.J. Byrne, *op. cit.*, pp. 57-60; J.B. Hirst, *op. cit.*, pp. 51, 61-65, 102-106 and 149.

Whether the Archers were unique in employing convict 'Special Constables' remains, until further evidence is forthcoming, an open question.

Overseers of rural assigned labour were of varying status within colonial society. There were those among them who were free men, individuals such as William Brighton.<sup>38</sup> Ticket-of-leave men were commonly employed in the role of overseers, as they were in New South Wales.<sup>39</sup> In some instances convicts still under sentence were placed in the position of overseer. William Bromwich stated in his memorial for a ticket-of-leave in 1827, that since his arrival in the colony in 1821, he had, "resided in the Service of Joseph Archer Esqr. in the Capacity of farming man; and for the last Eighteen months ... has acted as Overseer".<sup>40</sup> That William Bromwich was selected as an overseer is revealing. Bromwich was sentenced to transportation for fourteen years at the Staffordshire Assizes, in July 1820, at the age of 20.<sup>41</sup> His offence had been that of cattle theft, and he stated his occupation prior to transportation as groom. Revealingly he also stated on his arrival "M at Edgebaston carries on a farm".<sup>42</sup> That his mother kept up a farm tends to suggest that Bromwich would also have acquired rural work skills prior to his conviction and transportation; indeed the offence of cattle theft would further tend to support this understanding. William

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<sup>38</sup> In the court record of the charge made against him for assault in May 1836 William Brighton is noted as 'Free'; see Complaint of 746 William Proudley, *Argyle*, LC 362/3.

<sup>39</sup> J.B. Hirst, *op. cit.*, p. 106.

<sup>40</sup> Memorial of 401 William Bromwich, *Lady Ridley*, 10 July 1827 CSO 1/170/4066.

<sup>41</sup> Some confusion exists in the record as to whether the sentence was for fourteen years or life. The Conduct Register (Con 31) states fourteen years, the Description List (Con 23) states life. Given that William Bromwich gained his ticket of leave after six years in the colony, and his conditional pardon after nine years, it seems plausible that it was an original sentence of 14 years. See 401 William Bromwich, *Lady Ridley*, Con 31 and Con 23.

<sup>42</sup> 401 William Bromwich, *Lady Ridley*, Con 31. The potential of such prisoners' statements as a form of 'micro-narrative' has recently been suggested in the work of Ian Duffield. In this instance Bromwich's statement suggests that he had been brought up on the farm, and would have acquired related labouring skills. That he mentioned his mother, but not his father invites one to question the fate of the father. Such glimpses give valuable insight into the prior life experiences of the prisoner. Duffield notes, "These statements ... retain the capacity to discharge high voltage lived experience, sentiments and desires"; see Ian Duffield, "'Stated this offence': high density convict micro-narratives", unpublished paper, presented at 'The Colonial Eye' International Conference, Hobart, Tasmania, 3-6 February 1999.

Bromwich can be argued to have attained the position of overseer on the basis of his knowledge and experience of farming work, sufficient to instruct and supervise others. Further, his character appears 'steady'; no offences are recorded against him in the colony, and his conduct prior to conviction, on the hulk, and at sea are described as good, orderly, and very good respectively.<sup>43</sup>

William Bromwich, the overseer, offers a clear contrast to the figures selected as overseers in penal stations within the colony. In his study of prisoners acting as overseers and constables at Macquarie Harbour and Port Arthur penal stations, Hamish Maxwell-Stewart found particular attributes were favoured in their selection, which reveal the role of these individuals yet more plainly. Convicts promoted to these roles tended to be taller, the mean height of this group being over 5'6", rather than the general convict population of the penal stations who stood at 5'4.5"; William Bromwich measured 5'5". As Maxwell-Stewart notes, "the regime clearly expressed a preference for those who would literally look down on their charges".<sup>44</sup> Former soldiers were also found to be over-represented among the convicts in supervisory roles; demonstrating a preference for men experienced in discipline. Moreover, Maxwell-Stewart's analysis clearly shows that the preference for these attributes outweighed other considerations of character and prior conduct.<sup>45</sup> The differing attributes suggested here of rural and penal station overseers reflect the differing imperatives governing rural assigned labour, and ganged or penal labour. While in

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<sup>43</sup> Such evidence offers only partial information on the character of William Bromwich. Certainly it is possible that his elevation within the convict hierarchy may have allowed certain behaviour and misdemeanours to go unremarked, that may have led other prisoners before the magistrate. A more realistic reading may be that whatever transgressions Bromwich was involved in he was able to conceal, or maintain within the broad moral economy he moved within. Rather than suppose Bromwich one who simply accepted his situation without challenging it, it is possible to suggest that he was extremely adept at negotiating the conditions of penal servitude to his advantage. It is important in this way to avoid falling prey to simplistic contemporary notions of good and bad, or recidivist and reforming convicts.

<sup>44</sup> H. Maxwell-Stewart, "The rise and fall of John Longworth: Work and Punishment in Early Port Arthur", *Tasmanian Historical Studies*, 6 (1999), p. 98; 401 William Bromwich, *Lady Ridley*, Con 23.

<sup>45</sup> *Ibid.*, pp. 96-100.

penal stations punishment may have been of equal, if not greater, significance than production, in private assigned rural service the central concern was efficient agricultural production. In such a situation it was more appropriate that the farm overseer be a skilled man with charge of the other convicts, rather than a petty tyrant, whose role was to enforce orders through physical force.

Both on properties where an overseer was employed, and those where labour supervision fell directly to the settler, masters maintained a central role in the discipline and control of the assigned labourers. On farms that did not employ an overseer the convicts' actions were plainly under the immediate surveillance of the master. Where there was an overseer, settlers typically also maintained a visible supervisory role. It was to the master that the overseer reported the conduct, or misconduct, of the men, and it was commonly the master who brought the convict before a magistrate.<sup>46</sup> Settlers also adopted a supervisory role in inspecting the work of their prisoner servants; a stance that may at times have overstated their own role and knowledge in the workings of the farm. William Mason upbraided his assignee Thomas Gamble for still being employed in clearing out the stable at the hour of seven o'clock in the morning, informing him that Mr. Hazlewood, a neighbouring settler, had his man clean them out overnight. Gamble, who had by this time mucked out two of the three horses, told his master that Hazlewood's man left off his other work at three o'clock

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<sup>46</sup> See for example Charge against 402 William Lettes, *Marmion*, 17 May 1830, LC 362/2. In this case the employer, Thomas Fletcher, brought a charge of neglect of duty and absent without leave, citing the evidence of his overseer. This case also reveals the particular problems faced by masters who were necessarily absent from their property for any length of time. Fletcher's deposition states: "[William Lettes] is my assigned servant, his general conduct is very bad and he is in the repeated habit of neglect of duty - On Thursday last my overseer complained to me that the Prisoner had neglected his work at Sheep Washing - he is particularly neglectful when I am absent". Settlers commonly had cause to be absent from their farms to attend town, purchase provisions and other supplies, serve as magistrates, attend markets, or social events. Testimony such as Fletcher's suggests that convicts were quick to take advantage of such temporary absences. In a similar case, Captain Thomas Ritchie found that during his illness in 1824, his convict servants had made the most of his indisposition: "a severe illness ... confined me upwards of ten weeks to my bed, during the whole of which period, my Servants taking advantage, had behaved so extremely ill, that I was under the necessity of acquainting them the first day I was able to speak that it was my intention to prefer complaints against them to the Magistrate". On the following morning, however, Ritchie found that his servants had deserted, leaving only the distant stock keepers, who he stated had refused to run with the others. See Letter of Capt. Thomas Ritchie to Lieutenant-Governor Arthur, 22 November 1824, CSO 1/88/1942.



each day, in order to attend to the horses. His response earned him a kick "on the breech" in Gamble's account, or a push away in Mason's version.<sup>47</sup> William Archer, who employed overseers on his property, also on occasion adopted a direct role in management. During the winter of 1830 his servant John Smith was employed at the threshing machine. Smith complained to Archer when he went out to the threshing barn that he needed assistance with his work. Archer denied his need for help with the task, as he informed the magistrate, "I told him I thought he might do what he was about very well - I got upon the Stack and did the work that he complained of being too hard for him - for about half an hour - I am certain it was not too hard for him".<sup>48</sup> William Archer's actions in this instance also delivered a further significant message to his convict servant: 'although, as a gentleman, I don't usually soil my hands, I can do the work of the place better than you can'.

Relations between settlers and their convict servants were often direct and personal, and characterised by convict deference.<sup>49</sup> Describing such interactions as deferential is not, however, to assume that they were static, or demonstrated an unquestioned acceptance of authority by assignees. Deferential behaviour might reflect simply an acceptance of certain behavioural roles, rather than the meaning overtly suggested by them; the performance of deference may serve to conceal off-view activity by the subordinate group.<sup>50</sup> In the context of rural Van Diemen's Land, masters expected certain behaviour from their assignees, and assignees equally

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<sup>47</sup> Complaint of 940 Thomas Gamble, *Stakesby*, 7 September 1836, LC 362/3. Gamble's complaint against Mason for kicking him was dismissed.

<sup>48</sup> Deposition of William Archer, against 1051 William Smith, *Surrey*, 27 July 1830, LC 362/2. Smith received a sentence of ten days solitary confinement on bread and water for neglect of duty.

<sup>49</sup> The same feature could be seen in slave societies: see B. Wyatt-Brown, 'The mask of obedience: male slave psychology in the old south', in J. William Harris (ed.), *Society and Culture in the Slave South* (London: Routledge, 1992), pp. 128-61. As in the argument suggested here, Wyatt-Brown is far from positing that apparent slave deference implied unquestioning obedience.

<sup>50</sup> H. Newby, "The deferential dialectic", *Comparative Studies in Society and History*, 17 (1975), pp. 142-46; J.C. Scott, *Domination and the Arts of Resistance* (London: Yale University Press, 1990), pp. 24-50; P.J. Byrne, *op. cit.*, pp. 52-3; B. Wyatt-Brown, *op. cit.*, p. 56 states "Almost all varieties of servility involved some degree of shamelessness, for that signalled an inner contempt for the values ... on which the master based his authority".

expected certain behaviour of their masters. This relationship is most clearly revealed at points of crisis, when the master's authority was shown to be contestable. James Berry put his master's pigs in the sty, but when asked by his master's son, Charles Cox, why he had done so, told him "It's no business of yours", and continued to call him a "Sneaking headed scoundrel", concluding his outburst by challenging Charles to fight.<sup>51</sup> In his defence Berry stated that he had put the pigs into the sty on the orders of his master, James Cox, and added that he was sorry he had been insolent.<sup>52</sup> It is revealing that Berry sought to apologise, to reassume the deferential role when brought before the magistrate, to escape punishment. His performance, however, yielded little reward, as he was sentenced to twenty-five stripes. At other times, masters did intercede on their servants' behalf. In July 1832 Thomas Hassall was sentenced to one month's imprisonment and hard labour for a charge of insolence and disobedience of his master's orders; at his master's intercession the sentence was suspended.<sup>53</sup> James Ditchfield was charged with drunkenness and consequent neglect of duty in May 1835, but only reprimanded, his master having spoken in his favour, while in September that year Thomas Rogers appeared for drunkenness, and was also reprimanded upon his master's intervention.<sup>54</sup> The reasons that led the convicts' masters to intercede on their behalf were complex. Both Ditchfield and Rogers had been farm workers prior to transportation, and hence their employers may have wished not to lose their labour.<sup>55</sup> Hassall gave his occupation as 'glaziers boy', but as this

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<sup>51</sup> See Charge against 1554 James Berry, *Argyle*, 10 August 1836, LC 362/3. Kirsty Reid has similarly noted how female convicts in assignment would refuse to accept orders from members of the household other than the person they had been assigned to, thereby manipulating the conditions of their service in order to limit their labour; see K. Reid, "'Contumacious, Ungovernable and Incurable': Convict Women and Workplace Resistance, Van Diemen's Land, 1820-39", in I. Duffield and J. Bradley, *op. cit.*, p. 112.

<sup>52</sup> *Ibid.*

<sup>53</sup> 1032 Thomas Hassall, *Bussorah Merchant*, 4 July 1832, Con 31.

<sup>54</sup> 484 Thomas Ditchfield, *Woodford*, 15 May 1835; 605 Thomas Rogers, *Bussorah Merchant*, 9 September 1835, Con 31.

<sup>55</sup> 484 Thomas Ditchfield, *Woodford* and 605 Thomas Rogers, *Bussorah Merchant*, Con 23. Ditchfield was recorded as 'farm labourer & ploughman', and Rogers as a 'farmer's boy'.

was his first offence in the colony, his employer may have sought to mediate for him on this ground.<sup>56</sup> In such cases, taking the prisoner servant before the magistrate and then intervening at sentencing served to heighten the master's personal authority; not only was the master demonstrated to be in the position to invoke punishment, but also to provide mercy. In this way assignees might be made readily aware of the importance of the master in their experience in the colony, and inescapably reminded of the required conduct towards their master. Individual convicts' behaviour, however, did not always demonstrate the success of such ideas. Following his initial reprimand, Thomas Hassall went on to receive one hundred and seventy-five lashes, for four different offences, whilst in assigned service to Joseph Archer. In addition to these punishments, Hassall also received one hundred lashes, for three offences, while in the chain gang in 1834. He returned from the chain gang to Archer's service, but was latterly removed from this situation to the Constitution Hill road gang in October 1835.<sup>57</sup>

While much of the supervision and management of assigned labour was in these ways immediate, and reliant on personal authority, masters' control of their prisoner servants was underscored by the legal power of the magistracy. Settlers were not empowered to discipline their own servants physically, but were required to take them before a magistrate for trial and sentencing. In the small social world of the colony magistrates were typically of the same social class, and many were simply neighbouring substantial farmers. Generally, it can be considered, the magistracy tended to uphold the rights and authority of the master over his convict servants. Bringing assignees before the magistrates, however, was not without costs. A settler repeatedly resorting to the magistrate to discipline convict servants risked appearing to their peers as unable to control his men.<sup>58</sup> Alongside this social cost, other factors

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<sup>56</sup> 1032 Thomas Hassall, *Bussorah Merchant*, Con 23 and Con 31.

<sup>57</sup> *Ibid.*

<sup>58</sup> P.J. Byrne, *op. cit.*, p. 60.

tended to act as a disincentive to recourse to the magistracy. Presenting a charge against an assignee in rural employ often involved the inconvenience of travelling with the prisoner a considerable distance to the magistrate. This resulted in the loss of both the prisoner's and the master's, or overseer's, labour, and in their absence work at the property may well have proceeded less effectively. At particular times of the year this consideration was heightened. Bringing his man James Simmons before the magistrate in February 1835, James Crear declared, "his conduct during the recent harvest was idle *but* being anxious to get my harvest in I passed over his offences until last Monday".<sup>59</sup> Not only did the master face the temporary loss of labour due to the hearing, but also risked longer term removal of labour as a result of the sentence imposed. In the case of a skilled or particularly valued servant, this concern may have led to minor offences being overlooked; a situation skilled men may have rapidly recognised and manipulated. Joseph Archer certainly found the confinement of two of his men in Perth Gaol in 1831 a considerable inconvenience. Archer requested the assignment of two further convicts in August, noting in his application that he had, "lately lost two of [his] ... best men (*the only useful men* [he] ... *had*) who are in Gaol charged with felony".<sup>60</sup> Denied this request, in a later letter Archer again lamented that "two of my best men are still in Gaol at Perth".<sup>61</sup>

Masters disciplining servants through the magistrate also faced uncertainty as to the convicts' response to punishment. It has been shown that where the settler interceded and recommended leniency this was no guarantee of the convict's future conduct. Equally, where prisoners received a sentence, their chastisement did not necessarily improve their conduct. Rather, it can be considered that the deferential relationship of master and servant was sometimes only further compromised by the

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<sup>59</sup> Charge against 1442 James Simmons, *Strathfieldsay*, 25 February 1835, LC 83/1.

<sup>60</sup> Letter of Joseph Archer to Colonial Secretary John Burnett, 3 August 1831, CSO 1/287/6833.

<sup>61</sup> Letter of Joseph Archer to Colonial Secretary John Burnett, 21 September 1831, CSO 1/287/6833.

painful intervention of a third party. Returning to his master's service after completing a sentence of six months' hard labour in Reiby's Ford party in 1836, Henry Green refused to work. Green's master John Archer related the incident:

After he had been at home about an hour, I ordered him to assist another man to press Hay - he said that his feet were sore and that he was not able and that he was tired - he did not do as I ordered him - I afterwards saw him walking about the farm the same afternoon. He did not appear to have sore feet.<sup>62</sup>

Charles Day offered similar disobedience in December 1836; when he returned to Nicholas Kemp's property from a sentence of fifty lashes he refused to carry out his employer's orders.<sup>63</sup> Returning from Gaol in Campbell Town in August 1833 to Richard Willis' farm, John Maldrett absconded on the night of his return, and remained at large until May 1835.<sup>64</sup> Such examples tend to qualify, if not contradict, Hirst's argument that flogging was accepted by both assignee and master, and that "neither on the one side nor the other in these circumstances was a flogging viewed as a declaration of war".<sup>65</sup>

In order to avoid these potential difficulties associated with the formal mode of discipline, settlers resorted to other means to enforce their will over their assignees. Religion is an aspect of social control that has typically not received extensive attention in the management of rural labour in the colony. It would, however, be dismissive to deny the significance of religion in this way. Duffield and Maxwell-Stewart have argued that religion formed a vital plank in the construction of penal authority, stating that "throughout a convict's penal existence the catechist's proselytising drone was

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<sup>62</sup> Complaint against Henry Green, *Woodford* (2), 26 September 1836, LC 362/3.

<sup>63</sup> Complaint against Charles Day, 16 December 1836, LC 362/3. Day received twelve months' hard labour in chains and was removed from Kemp's service for this offence.

<sup>64</sup> Deposition of 193 John Maldrett, *Bussorah Merchant*, 25 May 1835, LC 362/3.

<sup>65</sup> J.B. Hirst, *op. cit.*, p. 62.

repeatedly in earshot”.<sup>66</sup> In convict society, as in slave society, sermons were used to reinforce the bonds of deferential duty and served to provide divine legitimacy to the master’s authority and the subject’s subordinate position.

Maxwell-Stewart and Duffield focus attention on the operation of religion in the penal station, but religious observance was required of convicts in all situations, in public and private employment. Where it was not practicable for men to attend Church, the responsibility for their religious instruction fell to their master. James Sutherland held Divine Service in the barn on his property most Sundays, excepting only a few occasions when the men were particularly exhausted from work.<sup>67</sup> Details of individual sermons do not survive, although a glimpse of the tenor of similar teachings is provided by a sermon recorded as being delivered by William Macarthur to his farm servants in 1824. Macarthur instructed his congregation on the duties of masters and servants; “Servants, obey in all things your masters according to the flesh ... Masters give unto your servants that which is just and equal; knowing that ye also have a Master in heaven”.<sup>68</sup> Similar themes have been demonstrated in the preaching of white missionaries to slaves in Jamaica.<sup>69</sup> Whether or not the sermons so explicitly attempted to inculcate notions of deferential duty and subordination, the assumption of religious and moral authority by settlers, as an arm of colonial authority over the convicts, was an important aspect of extra-mural discipline.

In noting the mobilisation of the Bible in managing convict labour, it is important that the convict population is not correspondingly represented as an

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<sup>66</sup> H. Maxwell-Stewart and I. Duffield, “Skin-deep devotions: religious tattoos and convict transportation to Australia”, in J. Caplan (ed.), *Written on the Body; The Tattoo in European and American History* (London: Reaktion Books, 2000), p. 122; see also H. Maxwell-Stewart and I. Duffield, “Beyond Hell’s Gates: Religion at Macquarie Harbour Penal Station”, *Tasmanian Historical Studies*, 5 (1997), p. 83; R.W. Connell and T.W. Irving, *Class Structure in Australian History; Documents, Narrative and Argument* (Melbourne: Longman Cheshire, 1980), p. 62.

<sup>67</sup> See for instance Journal of James Sutherland, 27 March 1825, 17 April 1825, and 14 January 1827, NS 61. During the harvest of 1826/27 Sutherland suspended service, noting in his journal 3 December 1826 “No prayers the men being tired, & disposed to lie in bed the greater part of the day”.

<sup>68</sup> A. Atkinson, *op.cit.*, p. 33. Macarthur was sermonising from Colossians 3-4, and Romans 13.

<sup>69</sup> Maxwell-Stewart and Duffield, “Skin-deep devotions”, p. 5.

irreligious mass. As Connell and Irving noted, convict congregations tended to be inattentive, indeed perhaps unreceptive to the minister's preaching.<sup>70</sup> In November 1833 Thomas Archer's assignee Job Rogers was reprimanded for "disorderly conduct in Church previous to Divine Service", whilst another of his men, John Cornelius was drunk and disorderly during worship in January 1834.<sup>71</sup> Other men made yet more plainly secular use of their freedom from labour on Sunday; William Archer's labourer James Jones absented himself to the Crown Inn, rather than attend service.<sup>72</sup> It is interesting that in these three instances, rather than receive more severe sentences, the men were admonished or reprimanded. This does not indicate necessarily that such offences were viewed as unimportant breaches of discipline, but rather might be interpreted as the assumption of Christian mercy by the magistrate which then added emphasis to the importance of religion, and their own moral authority deriving from it. Inattentiveness or disorder during official religious services does not describe a general convict lack of faith. Official worship, although embraced by some, served to underpin the power of colonial authority. Convicts' religious understandings, however, are evident in the iconography of convict tattooing.<sup>73</sup> Thomas Webb, assigned to John Glover, was tattooed with, among other designs, a crucifix; as were Joseph Archer's servant Isaac Gooday, and Thomas Archer's labourer William Angier.<sup>74</sup> A yet more explicit religious statement was pricked on the centre of Thomas

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<sup>70</sup> R.W. Connell and T.H. Irving, *op. cit.*, p. 62.

<sup>71</sup> 113 Job Rogers, *Dromedary*, 18 November 1833; 1122 John Cornelius, *Royal George*, 27 January 1834, Con 31. Both men were admonished.

<sup>72</sup> 352 James Jones, *William Miles*, 22 July 1833, Con 31. Jones was admonished.

<sup>73</sup> H. Maxwell-Stewart and Duffield, "Skin-deep devotions", pp. 7-9; H. Maxwell-Stewart and Duffield, "Beyond Hell's Gates", pp. 89-91; H. Maxwell-Stewart and J. Bradley, "'Behold the man': Power, observation and the tattooed convict", *Australian Studies*, 12 (1997), pp. 86-88; D. Kent, "Decorative bodies: the significance of convict's tattoos", *Journal of Australian Studies*, 53 (1997), pp. 81-82.

<sup>74</sup> 1516 Thomas Webb, *Surrey* (3); 493 Isaac Gooday, *Governor Ready*; 442 William Angier, *Larkins*, Con 23. While Kent p. 80 has noted that tattooing was less common among the rural population, it is perhaps worth noting that William Angier was a groom from Ely, Cambridgeshire convicted of stealing oats, a rural occupation and offence, while Isaac Gooday stated himself to be a 'Farmer, ploughman and hurdle maker', and was similarly tried for theft of corn. These examples

Archer's man John Stott's chest, a crucifix and the letters, 'JCRJ', denoting, 'Jesus Christus Rex Judeorum' ('Jesus Christ King of the Jews').<sup>75</sup>

A complaint laid by Charles Price and Amos Cole against their master, Thomas Archer, in 1839 suggests further the importance of religion in convict society, and is revealing on more than one level. Price and Cole complained that their master had prevented them from attending divine service. The two convicts made their complaint in a letter directly to Lieutenant Governor Arthur, an evangelical stickler for religious observance. Questioned on their complaint, Price admitted that his complaint was false, that he did not ask to go to worship because he was a Catholic, and there was no Catholic church near enough to attend. Amos Cole maintained that he had been prevented from going to Church, as he had been in the habit of doing, because of his misconduct with the female servants at Woolmers. Moreover, he admitted, "he wrote the letter in order to get away".<sup>76</sup> Price's description of himself as a Catholic might suggest that he was not thoroughly irreligious. It is odd that Archer believed preventing Cole from attending Church would act as a punishment, although this may have been the place at which he was in contact with the female servants. Of greatest significance was the recognition by the two men of the importance placed on religious instruction by the penal authority, and indeed personally by Lieutenant-Governor Arthur, and their belief that Archer's failure to enforce this would result in their removal from his service. Such an example, while it may not firmly indicate religious conviction on their part, suggests strongly that convicts sought to manipulate religious observance to further their own ends. The Church was well recognised by convicts as an aspect of state authority over them.

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demonstrate that, while perhaps less common than in towns, tattoos expressing popular religious sentiment were current in rural Britain; see Con 23 and Con 31; D. Kent, *op. cit.*, p. 80.

<sup>75</sup> 1524 John Stott, *Katherine Stewart Forbes*, Con 23 and Con 31.

<sup>76</sup> Depositions of 1130 Charles Price, *Mangles*, and 2046 Amos Cole, *Lord Lyndoch*, 20 May 1839, LC 362/4. If the men's motivation was to escape from Archer's service, then they were to be thwarted. The magistrate sentenced them to twelve months' hard labour in chains, and then to be returned to their master's service.



Official religious instruction may have been resisted as a perceived aspect of penal control. At the same time, it would be strange if the subversive religious beliefs Maxwell-Stewart and Duffield argue existed at Macquarie Harbour penal station were only to be found there.<sup>77</sup> Men held at Macquarie Harbour had in many cases spent periods in assignment before, in between and following terms at Macquarie Harbour.<sup>78</sup> As for those rural convicts who never served sentences in penal stations, whether they came from rural or urban backgrounds in Britain and Ireland, many were liable to have been exposed to popular religious movements, some of them subversive and even violent, before transportation.<sup>79</sup> Also it must be borne in mind that in Britain and Ireland, internal migration meant that rural and urban worlds were not theoretically sealed from each other, in terms of popular subversive beliefs. While the evidence presented in this study cannot provide the basis for sweeping conclusions, the material does suggest the possibility of the presence of popular subversive religion among rural assigned convicts in the colony.

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<sup>77</sup> H. Maxwell-Stewart and I. Duffield, "Beyond Hell's Gates", pp. 92-5; H. Maxwell-Stewart and I. Duffield, "Skin-deep devotions", pp. 12-18. Maxwell-Stewart and Duffield note the currency of antinomian religious beliefs in other unfree populations, most importantly in slave societies. Antinomian ideas were also an aspect of radical popular religious ideas in Britain in this period. See E.D. Genovese, *op. cit.*, pp. 161-255; H. McLeod, *Religion and the Working Class in Nineteenth-Century Britain* (London: Macmillan, 1984), pp. 26-30; H. McLeod, *Class, Religion and the Late Victorian City* (London: Croom Helm, 1974), pp. 42-60; I. McCalman, *Radical Underworld; Prophets, Revolutionaries and Pornographers in London, 1795-1840* (Cambridge: Cambridge University Press, 1989), pp. 60-72.

<sup>78</sup> See for an example I. Duffield's study of the probable religious beliefs and manipulation of colonial clergy and religious humanitarianism in Van Diemen's Land, "Daylight on convict lived experience; the story of a pious negro servant", *Tasmanian Historical Studies*, 6 (1999), pp. 29-62.

<sup>79</sup> Although perhaps more commonly associated with urban populations, radical millenarian beliefs also had currency in rural England. In one spectacular example in 1838 Sir William Courtenay, otherwise known as John Tom, led a millenarian rising of rural labourers in Kent. Followers identified Courtenay with Christ, and believed he could not be harmed by the authorities. Despite his followers faith in him, Courtenay was killed by a soldier of the 48th Regiment when his group were put down, 31 May 1838. See B. Reay, "The last rising of the agricultural labourers: the Battle in Bossenden Wood 1838", *History Workshop*, 26 (1988), pp. 79-101, esp. pp. 88-90; B. Reay, *The Last Rising of the Agricultural Labourers; Rural Life and Protest in Nineteenth-Century England* (Oxford: Clarendon Press, 1990), pp. 85-164; P.G. Rogers, *Battle in Bossenden Wood; The Strange Story of Sir William Courtenay* (London: Oxford University Press, 1962), pp. 84-182. Millenarianism also existed among rural Irish Catholics: see James S. Donnelly, Jr., "Pastorini and Captain Rock: Millenarianism and Sectarianism in the Rockite movement of 1821-4", in S. Clark and J.S. Donnelly, *Irish Peasants; Violence and Political Unrest 1780-1914* (Manchester: Manchester University Press, 1983), pp. 102-39.

Masters also resorted to other more immediate, secular methods to effect personal management. Official religion might serve to influence some convicts' minds, it may even have hoped to save their souls, but indulgences of various kinds appealed to convicts' earthly wants. Such items as tobacco, tea, sugar, or spirits were given as a reward, or an inducement to productivity and good conduct. Providing indulgences was, however, expensive to the settler, and it was a practice apt to be manipulated by assignees. Writing on the colony in 1829 Henry Widowson remarked:

Many ... (I think in a mistaken liberality) give their men regularly two ounces of tea, extending the allowance of sugar to twelve ounces; it may be very well to give tea and tobacco as an encouragement to good conduct in the manner I have stated, but there is a danger that the custom may, in the opinion of the prisoners, eventually become as much a right as the ... rations.<sup>80</sup>

John Hirst has noted that differential indulgences were granted to assignees in New South Wales, the more skilled men receiving greater allowances than their less accomplished counterparts.<sup>81</sup> Widowson advocated a similar system be operated by settlers in Van Diemen's Land, advising that the lone shepherd should be granted more generous indulgences than the labourer who was employed about the farm, and who as a result fell under the closer supervision of the employer.<sup>82</sup>

As Widowson had feared, assignees did come to regard items given by their masters as indulgences as their entitlement. When convict James Murray requested a supply of tea and sugar from his overseer James Cummings, his response to

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<sup>80</sup> H. Widowson, *The Present State of Van Diemen's Land* (London, 1829), p. 54.

<sup>81</sup> J.B. Hirst, *op. cit.*, p. 50.

<sup>82</sup> H. Widowson, *op. cit.*, p. 55. Widowson appears to have been unconvinced of the reliability of convict shepherds, whether they were generously indulged or not. In his text he also recommended that the shepherd be required to keep a book listing all deaths from the flock that the master might then check up on: "I should recommend a correct account to be kept of all deaths, numbers killed, and how consumed; if your shepherd reports to you that one died such a day, and so on, see it yourself; if any are lost, stop all luxuries to the shepherd ... above all things, look after the flock yourself". See Widowson, *op. cit.*, p. 155. It is not clear that such a system was operated in the colony by settlers; it seems apparent that such records could readily have been falsified.

Cummings' refusal demonstrated that Murray understood such items as a right, and would not work without them. Murray, Cummings' stated to the magistrate, "said 'Then I'll be Damned if I don't have some' - I told him if he continued to be uncivil I would have him somewhere else /meaning the police Office/ he said 'I'm Damned if I care'".<sup>83</sup> Samuel Bacon similarly refused to go to his work on the morning of 1 November 1836, stating as his reason for his actions the suspension of his allowances.<sup>84</sup>

Food items were an important aspect of labour control; in a system of unwaged labour the ration and additional allowances granted to the convicts constituted the principle labour cost, and can be considered to have assumed the role of a wage. While convicts sought to maximise the value of this 'wage', by insisting upon allowances of tea and sugar, it should be recognised that masters were not helpless when faced by such demands. Examination of events surrounding the drought of 1833-34 reveals the role of diet in rural convict society, and the manipulation of the magistrates bench by masters. Although rain finally came in February 1834, it was too late for the colony's agriculturalists, and the harvest slumped to the lowest level of the 1830s.<sup>85</sup> Colonial production could not meet the internal demand, with the result, the *Colonial Times* reported, that "instead of exporting as we usually have done a large quantity of food ... we have been compelled to import for our own maintenance, and for this some £35,000 has been paid to Sydney".<sup>86</sup> Wheat rose substantially in price; the Commissariat Store paying thirteen shillings a bushel in July 1834, compared to prices as low as five shillings in preceding years.<sup>87</sup>

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<sup>83</sup> Deposition of James Cummings, 22 June 1836, LC 362/3.

<sup>84</sup> Complaint against 1749 Samuel Bacon, 2 November 1836, LC 362/3.

<sup>85</sup> *Statistics of Van Diemen's Land*, (Hobart, 1839), Return no. 13.

<sup>86</sup> *Colonial Times*, 29 July 1834.

<sup>87</sup> *Ibid.*; see also *Statistics of Van Diemen's Land*, Return No. 14. The *Colonial Times* criticised the government's mismanagement of the shortage, arguing that the price of grain had been forced up by injudicious tenders offered by the Commissariat.

These events produced marked effects in the agricultural sector (Chart 3.2). There is a strong inverse relationship between the rate of punishment of skilled rural labour, and agricultural yield. Low yields in 1831 corresponded to a high rate of punishment, similar to the more pronounced trend evident in 1834. Rising wheat prices at such times indicated an increasing cost of convict labour. Rural employers faced by rising labour costs sought subsequently to reduce the number of servants on their properties (Chart 3.3). Close examination of the increase in punishments reveals the mode employed to effect this reduction in assigned labour force (Chart 3.4). There was an increasing rate of arraignments in the months during and following the drought, and there was also a significant change in the method of punishment used. While the rate of flogging remained relatively stable across the period, there was a marked increase in the number of days assignees were sentenced to hard labour, or to iron gangs. Under sentence to road and chain gangs the cost of rationing convict labourers fell upon the colonial government; the removal of labour in this way was an effective means of cutting the cost of temporarily unproductive labour for settlers. Such a strategy served to screen masters' dumping of convict labour with the conventional notion of disobedient and unruly servants, and did not prejudice later applications for prisoner servants, as would have been the result had the men simply been returned to government as no longer required. The drought throws into sharp relief several issues of rural convict management. Food politics were crucial in labour relations. While prices rose rapidly, it was not easy (or legal) to cut ration issues to convicts, a problem made more acute when assignees were supplied at a level in excess of the minimum ration; where this was attempted convicts resisted. Settlers were, however, able to manipulate the magistracy in order to service their management ends, as the drought clearly demonstrated.<sup>88</sup>

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<sup>88</sup> Commissioner Bigge noted in his report on New South Wales that magistrates tended to settle disputes in favour of masters to keep the cost of convict labour down. See J.T. Bigge, *Report on the Colony of New South Wales* (London, 1822; edition used Adelaide: Libraries Board of South Australia, 1966), p. 77.

Indulgences other than food or tobacco were also in the gift of masters of assigned labour, tending to draw the convicts into a web of paternalistic power relations. As in Britain, it was initially the practice in the colony to allow convict shepherds to run sheep in the master's flock for their own gain.<sup>89</sup> These sheep served as payment, and indeed also gave the labourer a vested interest in overseeing the flock. It also, however, presented the possibility of deceit and theft. The holding of stock in this way was ordered by Lieutenant-Governor Sorell to be stopped in 1821; he described it as "a practice growing every day more dangerous".<sup>90</sup> Effectively suppressing this type of indulgence was problematic, and a further government notice was issued in 1826 prohibiting the payment of assignees with sheep or cattle, or by apportioning land to them for their own cultivation.<sup>91</sup> Writing in 1829, Henry Widowson similarly noted the problems that accompanied this mode of indulgence, but, he remarked, it was not only an aspect of convict misconduct:

Never by any chance allow your shepherds, either free or bond, to keep sheep of their own in your flock; or, if you can avoid it, in that of anyone else; the result might be very objectionable, or at best, his ewes would be sure to bring two lambs every year.<sup>92</sup>

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<sup>89</sup> Rural labourers in Britain commonly received payment in kind, items such as coal, oatmeal, milk, or the keep of a cow. Shepherds received, in addition, sheep in the master's flock, as Henry Stephens explained in his contemporary manual on farming; the shepherd 'as he is accounted a skilful servant, and his hours of attendance extend every day from sunrise to sunset, he has leave to keep a small flock of sheep of his own, which is maintained by his master, and the produce of which he is entitled to dispose of every year'. The practice of a substantial part of the shepherd's pay being sheep run in the employer's flock persisted throughout the nineteenth century, in certain instances in the 1870s Alun Howkins study found shepherds receiving no other payment than this, and perquisites such as potatoes, a house and the keep of a milk cow. Payment of shepherds in this way continued in the early twentieth-century, but was in decline by this time. See H. Stephens, *op. cit.*, p. 744; A. Howkins, *op. cit.*, p. 23; R. Anthony, *op. cit.*, pp. 84-85.

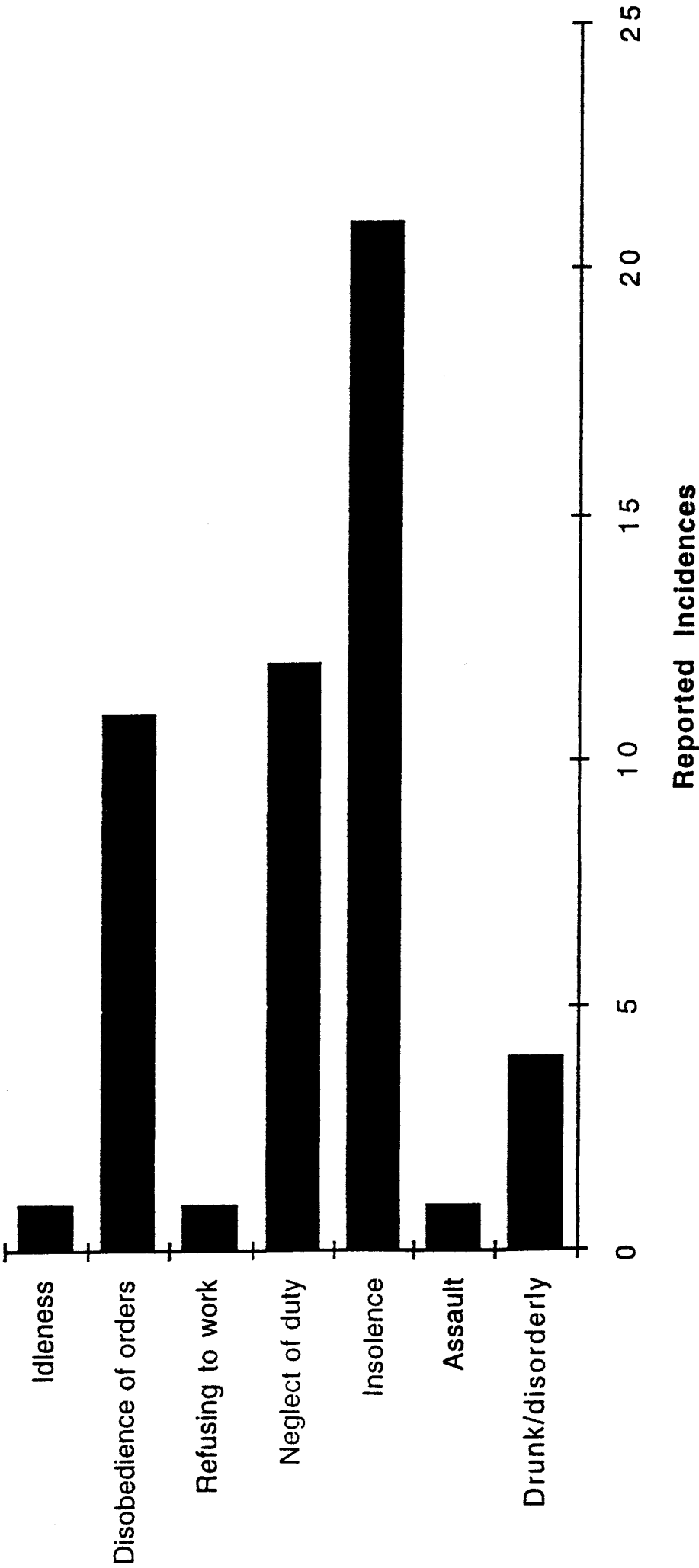
<sup>90</sup> Letter of H.E. Robinson, Colonial Secretary, Hobart, 30 June 1821, cited in E. Curr, *op. cit.*, p. 155. This practice persisted beyond this time; Governor Arthur noted in a letter of 11 August 1825 that the taking of stock on the thirds was a mode facilitating the theft of sheep, which he sought to suppress. See letter of Lieutenant Governor Arthur to Lord Bathurst, 11 August 1825, *HRA*, ser III, vol. IV, pp. 318-19.

<sup>91</sup> Government Notice 30 September 1826, *HRA*, ser. III, vol. V, p. 377; see also John West, *The History of Tasmania, Volume II* (Launceston: Dowling 1862; edition used Adelaide: Libraries Board of South Australia, 1966), p. 190.

<sup>92</sup> H. Widowson, *op. cit.*, p. 151.

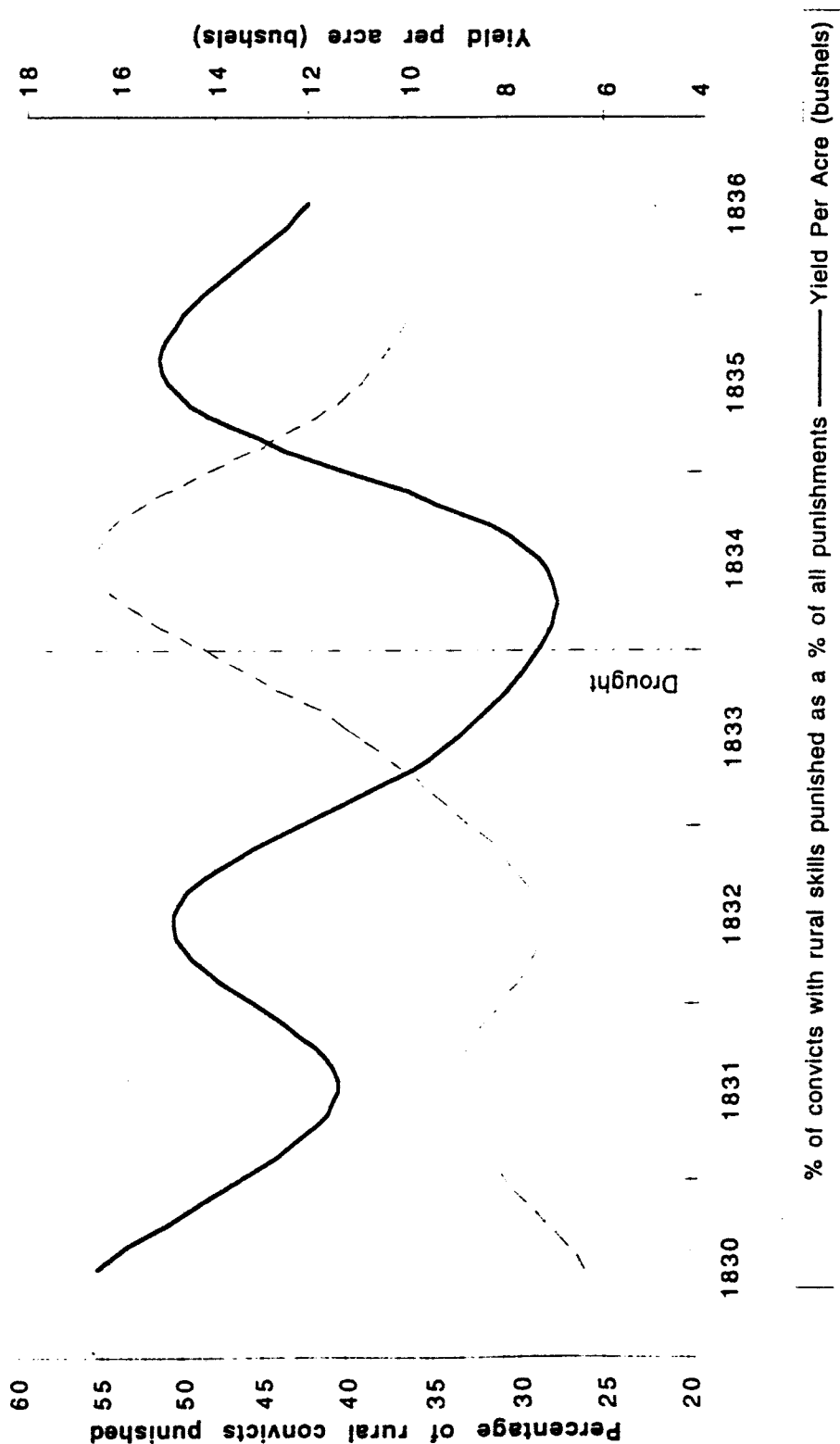
Rural convict labour posed particular management problems, and masters employed various means to draw assignees into a deferential relationship of duty and obligation. Indulgences, of food, spirits and tobacco, or of other items such as passes, were granted to reward or motivate convicts. Where such management strategies failed, the master's personal authority was underscored by that of the magistracy. Higher sanction was given to the master's authority by the Church; religion was enrolled as an arm of penal power, attempting to instil in prisoners the legitimacy of their degraded position. At a more immediate level, the practical supervision of rural convict labour created marked difficulties. Certain tasks could be effectively managed by overseers, yet others, such as shepherding, lay beyond practical supervision. Attention to rural management, and expressly to the character of overseers and their role, suggests that the guiding principle in private settler service was efficient agricultural production. The rural labour hierarchy of Van Diemen's Land resembled that of the contemporary improved British countryside, while the labourers convict status allowed for a rigid enforcement of social divisions and roles. Study of techniques of management, however, reveal only one side of the power dialectic. Masters claimed power yet, as has been alluded to in this chapter, this was not uncontested by convict servants, whose responses were as multifaceted as the masters' tactics of control.

Chart 3.1 Analysis of 51 Charges Brought by Overseers on Sampled Rural Properties, 1821-37



Source: Convict Conduct Registers of Male Convicts assigned to sampled properties 1821-37; the structure of the sample is discussed in chapter 2. This chart shows only those charges in which it was clearly indicated that they were brought by the overseer.

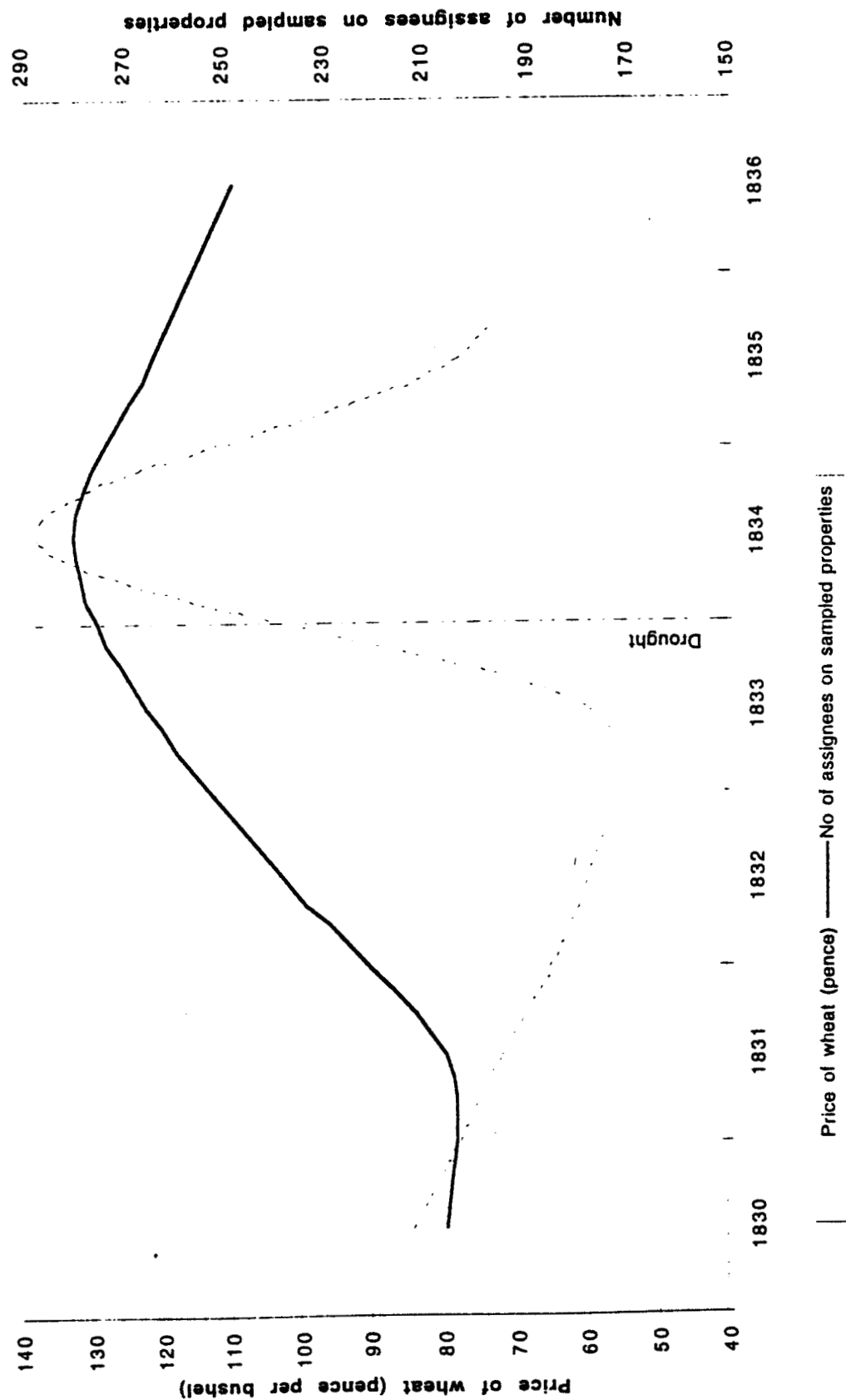
Chart 3.2 Relationship Between Wheat Yield and the Punishment of Men with Rural Skills on Sample Properties, 1830-36



Sources: AOT Con 31 Conduct Registers of Prisoners Assigned to Rural Properties; Statistics of Van Diemen's Land, Hobart 1839, returns no. 12 & 13.  
In this figure the rate of punishment of convicts in rural assignment with rural labour skills, as a percentage of the total number of prisoners punished in rural assignment is shown. The structure of the sample population is discussed in chapter 2.

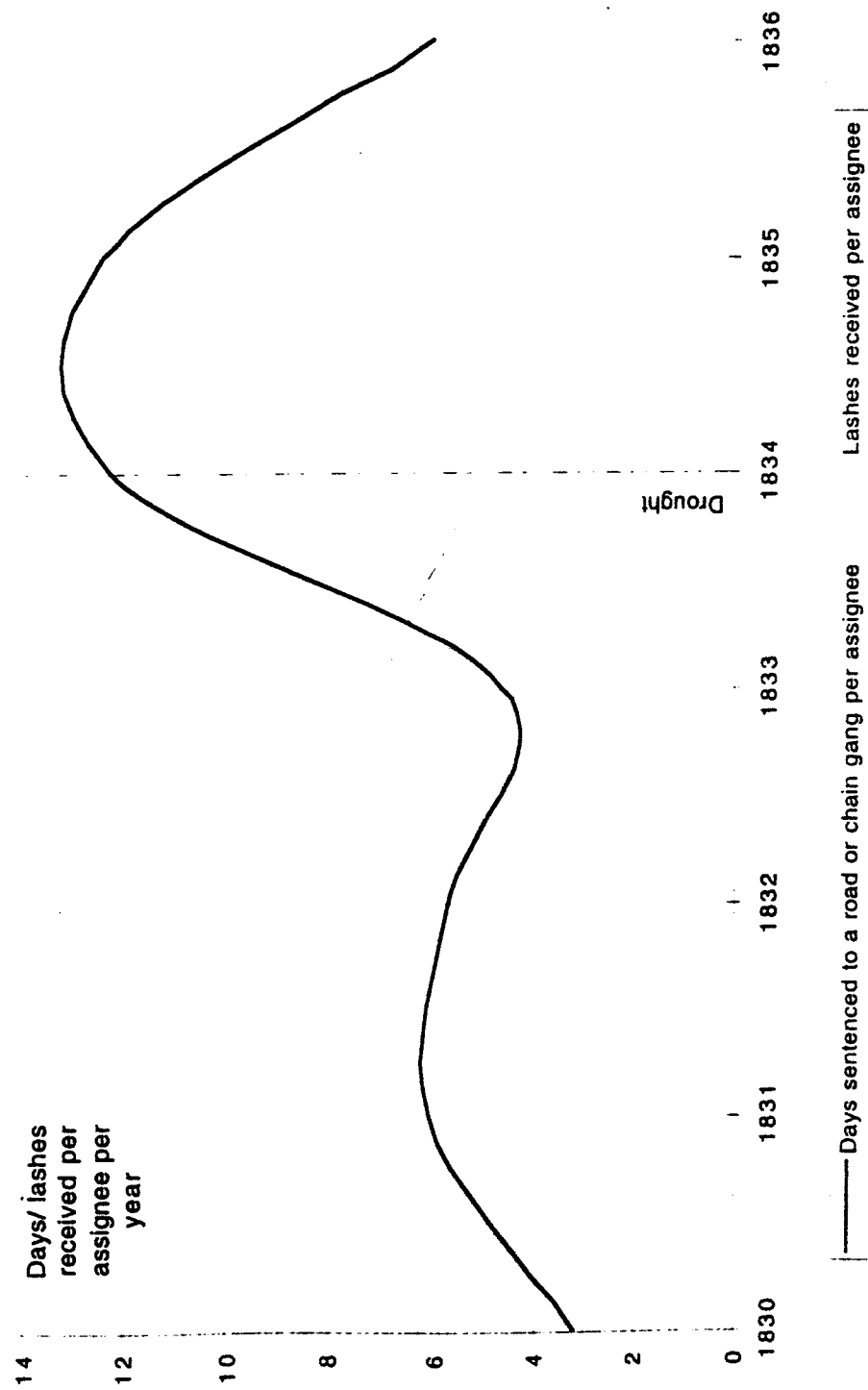


Chart 3.3 Total Number of Assignees on Sample Properties and Price of Wheat, 1830-36



Sources: Home Office Musters of Convicts in Van Diemen's Land 1830, 1832, 1833, 1835; Statistics of Van Diemen's Land, Hobart 1839, return no. 14.  
The structure of the sample population is discussed in chapter 2.

Chart 3.4 Structure of Punishment of Convict Servants on Sampled Properties, 1830-36



Source: AOT Con 31 Conduct Registers of assigned prisoners on sampled rural properties. The structure of the sample population is discussed in chapter 2.

## Chapter 4

### **“I’m not going to be made a bloody pack horse of for you”<sup>1</sup>: The Language and Practice of Rural Convict Resistance**

Late on the night of 24 August 1829 the McLeod family were awoken by the sound of a gun shot outside their farm house at Claggan.<sup>2</sup> Standing outside in the darkness were William Stewart, William Sainter, John Morton, Samuel Cowden, and Thomas Lawton. On 19 July the five men, formerly assigned servants to Major Donald McLeod, had absconded from their current employment at Talisker and taken to the bush. The men were equipped with firearms, ammunition and rations stolen from Claggan, some twelve miles distant from Talisker, in a raid on the same night.<sup>3</sup> As the McLeods stirred, confused, from their beds on the night of 24 August, the bushrangers shouted their demands to their former master. Lawton demanded McLeod come to the door, ordering it opened or blood would be spilt.<sup>4</sup> John Morton called out, “come out you old rascal and have fair play”, while from the front of the house Stewart shouted, “Mr. Magnus open the door, let us in, it will be the better for you”. Samuel Cowden brandished a stolen musket and called out to those in the house, “here is little pincher, he will pinch some of you tonight”.<sup>5</sup> Musket balls rained upon the besieged house, splintering and shattering the weather boards; one shot narrowly missed Magnus McLeod’s head, becoming embedded in a post behind him.<sup>6</sup> For three hours the bushrangers assaulted the house. Finally the gang withdrew,

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<sup>1</sup> Charge against Michael Hogan, *per Arab* (2), 22 November 1836, LC 362/2. Hogan received 36 lashes for drunkenness and his insolence.

<sup>2</sup> Information on oath of Magnus McLeod, CSO 1/411/9270. Magnus McLeod was one of Donald McLeod’s elder sons, and was at Claggan on the night of the raid.

<sup>3</sup> *Launceston Advertiser*, 12 July 1830.

<sup>4</sup> Information on oath of William Ward, CSO 1/411/9270.

<sup>5</sup> Information on oath of Magnus McLeod, CSO 1/411/9270.

<sup>6</sup> *Ibid.* The musket ball was produced in court as evidence.

taking William Ward, one of Donald McLeod's assignees, hostage. Ward later escaped, informing the pursuing military of the gang's whereabouts.

Despite the attentions of the military, the bushrangers' depredations continued. Other properties were raided, including Talisker where the men had been last employed. Talisker was owned by Major McLeod, but let to two brothers named Robert and George Stuart, in partnership with McLeod's eldest sons Magnus and Alexander.<sup>7</sup> As time passed, so the noose tightened around the gang. Following a pursuit they were taken on 7 September, on the South Esk River.<sup>8</sup> Sainter, Lawton, Cowden and Morton were hanged at Launceston on Wednesday 7 July 1830 for their role in the insurrection.<sup>9</sup> Spared the gallows, William Stewart was transferred under sentence first to Macquarie Harbour penal station, and latterly Port Arthur, where he died in 1835.<sup>10</sup>

Convict historiography has moved beyond the denial of convicts' resistance to transportation. More than forty years have passed since Manning Clark stated "not a single man or woman from the ranks of the convicts [stood] up and damn[ed] the system under which they suffered".<sup>11</sup> Few would now question that convicts, male and female, contested and resisted the experience of transportation. Broadening notions of what might constitute resistance have revealed a wide arena and repertoire of convict action. In a reversal of Clark's original position, resistance now appears central to recent treatments of the convict past.<sup>12</sup> Coming in the wake of this surge of

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<sup>7</sup> *Launceston Advertiser* 7 September 1830.

<sup>8</sup> *Hobart Town Courier* 12 September 1829.

<sup>9</sup> *Launceston Advertiser* 12 July 1830.

<sup>10</sup> 986 William Stewart, *per Roslyn Castle*, Con 31. As a result of representations of ill-treatment of the men in McLeod's service the Executive Council had debated the fate of the five over a number of sessions. See Executive Council Minutes, 22, 24, 26 June and 2 July 1830, EC 4. Major McLeod grudgingly conceded that of the five Stewart might be reprieved.

<sup>11</sup> C.M.H. Clark, "The origins of the convicts transported to Eastern Australia, 1787-1852; Part II", *Historical Studies*, 7 (1956), p. 327.

<sup>12</sup> There are few, if any, recent works discussing transported convicts that have not touched upon issues of resistance. Certain studies have been of particular importance in revealing the contours of resistance; see A. Atkinson, "Four patterns of convict protest", *Labour History*, 37 (1979), pp. 28-51;

writing on resistance, it might seem daunting and difficult to offer new insight. This chapter refines and questions prevailing theoretical models. In addition, it offers much new empirical material. Moreover, as the study of a limited rural area in the colony, it provides the opportunity to synthesise recent works within one coherent context, so yielding a unified understanding of convict responses to assignment and discipline.<sup>13</sup> This chapter also adopts a comparative view, placing rural convict resistance alongside that of other contemporary rural societies, suggesting that these convict actions were part of a more general lexicon of rural protest.

Dramatic bushranging outbreaks, such as that described on McLeod's property in 1829, while commanding the historian's attention by their vivid nature, are not representative of what can be argued to have formed the more general methods of convict protest and resistance. Insolence, feigned illness, 'foot dragging' and withdrawal of labour were the more characteristic convict strategies within the contest of authority between master and assigned servant.<sup>14</sup> In order to understand such seemingly 'criminal' acts as legitimate forms of protest it is fruitful to turn to the rich literature on resistance in eighteenth and nineteenth-century New World slave societies. Such a comparison is valid as slaves in these societies experienced similar unfree labour conditions, often in a rural setting, and under similar paternalist authority

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P.J. Byrne, *Criminal Law and Colonial Subject* (Cambridge: Cambridge University Press, 1993); K. Daniels, *Convict Women* (Sydney: Allen and Unwin, 1998); J. Damousi, *Depraved and Disorderly* (Cambridge: Cambridge University Press, 1997); I. Duffield, "The life and death of 'Black' John Goff: Aspects of the black convict contribution to resistance patterns during the transportation era in eastern Australia", *Australian Journal of Politics and History*, 33 (1987), pp. 30-44; H. Maxwell-Stewart, "The Bushrangers and the convict system of Van Diemen's Land", unpublished PhD Thesis, University of Edinburgh, (1990); W. Nichol, "Malingering and convict protest", *Labour History*, 47 (1984), pp. 18-27; T. O'Connor, "Power and punishment: the limits of resistance; Moreton Bay penal settlement, 1824-42", unpublished BA (Hons) Thesis, University of Queensland, (1994); K. Reid, "Work, sexuality and resistance: the convict women of Van Diemen's Land", unpublished PhD Thesis, University of Edinburgh, (1995).

<sup>13</sup> In focussing on particular aspects or incidents much earlier work has necessarily offered only a partial vision of resistance. In this way, for example, Alan Atkinson's work, "Four patterns of convict protest", discusses aspects of resistance within the labour process, but does not examine absconding; see A. Atkinson, *op. cit.*, pp. 36-37. The absconding data available for both New South Wales and Van Diemen's Land presents the possibility for a major study of absconding patterns and their meanings in the Australian penal colonies.

<sup>14</sup> A. Atkinson, *op. cit.*, pp. 28-51; W. Nichol, *op. cit.*, 18-27.

to assigned convicts.<sup>15</sup> Among slave populations in the New World similar patterns of resistance occurred, such as sabotage, arson, theft, flight, truancy, insolence, and foot dragging.<sup>16</sup> These actions were harshly criminalised in slave-holding societies. It has been persuasively argued that they arose from a sense of rights held by the slave populations, who lacked any other form of legitimate protest. Slaves had no means of legal appeal or protest, being denied personal status before the law.<sup>17</sup> These responses were provoked by challenges to the slaves' understanding of their established rights; their moral economy. In this context moral economy refers to the economic and social rights assumed by the slaves as their moral if not legal entitlement, and the shared recognition that these rights represented a line across which the dominant group should not be allowed to step.<sup>18</sup> Viewed in this light various actions attain an increased significance, and become acts of meaningful protest rather than criminal acts. Theft of food from the master might demonstrate denial of the master's right and indeed ability to restrict food supplies, and assert the slaves' right to a share of the product of their own labour.<sup>19</sup>

The idea of moral economy was first explicitly posited by E.P. Thompson in his analysis of the eighteenth century crowd and bread riots. Thompson considered

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<sup>15</sup> Important qualitative differences remain, however, between slaves and transported convicts. Principle among these is the distinction between slaves as chattels, owned by the master, and convicts, as individuals under fixed sentences of transportation. Property rights in convicts were not transferred to employers. While one should not make the comparison incautiously, the study of slave societies can offer very useful insights in the approach to convict society.

<sup>16</sup> For examples see M.L.M. Kay and L.L. Cary, "'They are indeed the consistent plague of their tyrants': slave defence of a moral economy in Colonial North Carolina", in G. Heuman (ed.), *Out of the House of Bondage: Runaways, Resistance and Marronage in Africa and the New World* (London: Frank Cass, 1986), pp. 37-40; M.L.M. Kay and L.L. Cary, *Slavery in North Carolina, 1748-1775* (Chapel Hill NC: University of North Carolina Press, 1995), pp. 97-101; M.C. Karasch, *Slave Life in Rio de Janeiro 1808-50* (New Jersey: Princeton University Press, 1987), pp. 330-31; M. Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca: Cornell University Press, 1982), pp. 52-57.

<sup>17</sup> see M.L.M. Kay and L.L. Cary, *Slavery in North Carolina*, pp. 100-102.

<sup>18</sup> see A. Lichtenstein, "'That disposition to theft, with which they have been branded': moral economy, slave management and the law", *Journal of Social History*, 21 (1987), p. 415.

<sup>19</sup> *Ibid.*, pp. 417-20.

that the actions of the rioters reflected their defence of traditional, communal rights, and this (for them) negated the formal criminal status of some of their actions.<sup>20</sup> Moral economy here rested on the equilibrium between benevolent paternalist authority and the crowd, requiring a recognition from the elite of their obligations to the subordinate group. This equilibrium was fundamentally altered, Thompson argued, by the change towards a purely cash economy, driven by the profit motive, in the early nineteenth century.<sup>21</sup> This argument would appear to have important implications for the understanding of convict resistance within the frame of moral economy. It can be argued, however, that even in Britain the transition to the cash-nexus was not uniform or uncontested in the countryside. In Van Diemen's Land the relationship between master and convict servants was not mediated by a money wage, but rather through various entitlements to food, shelter, and clothing, sanctioned by colonial law. In addition to these formally sanctioned entitlements, the preceding chapter has shown that indulgences were rapidly assumed as rights. Now it is posited that such allowances and indulgences formed the heart of the convicts' moral economy. Where these were eroded, or conditions of labour were changed, convicts acted in defence of their rights, formal and assumed.

Convict insolence formed a constant current of dissent to the master's authority. Orders and directions were answered by convicts with impertinence, and their insolence often carried with it either an implicit, or frequently an explicit threat to their master. James Tyler denied his master's authority entirely in April 1829 with a remarkable display of impudent behaviour. James Scott, the man's overseer, related to the magistrate how Tyler had been ordered on Saturday morning to fetch in a barrow load of wood, which he refused, retiring to his hut to light his pipe.<sup>22</sup> Scott

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<sup>20</sup> E.P. Thompson, "The moral economy of the English crowd in the eighteenth century", *Past & Present*, 50 (1971), pp. 76-136.

<sup>21</sup> *Ibid.*, p. 129.

<sup>22</sup> Tyler retired to his hut to light his pipe as in 1829 he did not have access to modern matches; the first reliable practical matches were produced in 1827 by a druggist in Stockton-on-Tees, John Walker. In the early 1830s similar 'Lucifer' matches became common place. Without these Tyler was faced

waited five minutes, then followed Tyler to the hut. Confronted by his overseer, Tyler again said that he was lighting his pipe. With possibly surprising patience, the overseer, "gave him sufficient time to do so, and then ordered him to bring some Barley for the Horse".<sup>23</sup> Tyler, "positively refused" to fetch barley for the horse, but now brought the wood he had previously been directed to bring. Scott warned Tyler that if he did not "say he was sorry for his Insolence", he would have him before a magistrate. Unimpressed, "he [Tyler] said he did not care, he would rather strip to fight, he thought he could beat me - and if he was brought to the Police Office, he would be shot before he came back".<sup>24</sup> As Paula Byrne has suggested, many such cases of insolence were related to the labour process, and reveal convicts acting in defence of their own expectations of the work they might be set to, or how they could be treated.<sup>25</sup> Significantly, in the case of James Tyler, the day he adamantly refused to carry out his overseer's orders was a Saturday, and therefore a time he may have thought was his own to carry out his washing, or simply for leisure and recreation.

Not only is insolence of note in that it represents an expression of convicts' own idea of limitations on the labour they might perform, but also in what it can reveal of the relations between master and servant. To be sure, much of convicts' insolent language may have been unimaginative. On the morning of 26 February 1836 James Jordan criticised his assignee, Charles Stevens, who was engaged in threshing. Jordan repeated Steven's succinct reply to the magistrate, "he told me I might go and f--k myself if I liked ... and said 'I've done the last bl---y stroke of work I'll do on this

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with the potentially troublesome business of using a tinderbox to ignite his pipe, which out of doors may have taken some time; or with lighting his pipe with a glowing ember from the fire in the hut, as he appears to have chosen to do. See A.H. Dunhill, *The Gentle Art of Smoking* (London: Max Reinhardt, 1954), pp. 117-20. Attention to the detail of such everyday activities can reveal, as here, the rationale behind what at first may appear rather wilful or contrary actions.

<sup>23</sup> Deposition of James Scott, 20 April 1829, LC 362/1.

<sup>24</sup> *Ibid.* James Tyler, *per Roslyn Castle*, stated in his defence that he denied the whole of Scott's statement. This defence, however, failed to influence Malcolm Laing Smith, the magistrate who heard the case, as Tyler was sentenced to twenty-five lashes.

<sup>25</sup> P.J. Byrne, *op. cit.*, pp. 33-35.



farm””.<sup>26</sup> In other instances, the convicts’ words were even more revealing. Settler Horace Rowecroft ordered his convict servants to sow some seed wheat which had been dressed. Thomas Crawford, in response, went about his master’s orders “very unwillingly”. Noticing this, Rowecroft informed him that he should do as he was ordered more promptly. Crawford replied, “hem! Ordered”, and when his master attempted to take him to the Police Office refused as it was raining.<sup>27</sup> Crawford’s “hem! Ordered” plainly demonstrated his contempt for the authority of Rowecroft’s orders, indeed of Rowecroft’s authority to issue orders to him at all.

Indeed, a master’s threats to take a prisoner servant before the magistrate were commonly met with insolence. When Edward Archer told Edward Burke in March 1836 he ought to be taken to the Police Office for his conduct, Burke responded, “he did not care anything about that he was used to it”.<sup>28</sup> In a similar instance, Doctor William Paton spoke to David Leys, his ploughman, in May that year, for being absent from his work, to which Leys replied, “he didn’t care a curse where I [Paton] sent him”. On the following morning Paton again spoke to his assigned man, who “after some further remarks ... said he did not care what was done with him - for the time he had to serve, or if they extended his sentence, or words to the same effect”.<sup>29</sup> Convict insolence of this type denied their masters’ ability to correct their behaviour, apparently exasperating their attempts at discipline. Masters were presented with the difficult problem of punishing a convict who avowedly was not influenced by penal

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<sup>26</sup> Deposition of James Jordan, 26 February 1836, LC 362/3. 1370 Charles Steven statement that this was his last stroke of work on Jordan’s account was not accurate. He was sentenced to seventy five lashes for this offence and returned to Jordan. No further offences area recorded agaisnt him, and he was awarded his ticket-of-leave on 8 December 1837. It is probable that he remained in Jordan’s service until this time. see 1370 Charles Stevens, *per Larkins*, Con 31.

<sup>27</sup> Deposition of Horace Rowecroft, 25 March 1836, LC 362/3. 1619 Thomas Crawford, *per Isabella*, received 25 lashes for this outburst.

<sup>28</sup> Depostion of William Brighton, 30 March 1836, LC 362/3. 1457 Edward Burke, *per John*, was sentenced to thirty-five lashes for his remarks.

<sup>29</sup> Deposition of Dr. William Paton, 4 May 1836, LC 362/3. 948 David Leys, *per Layton*, was sentenced to 50 lashes in this instance. It might be considered that his ‘words to the same effect’ were rather more forceful than those used by the doctor.

discipline. James Edwards' abusive outburst to Edward Archer further demonstrated convict defiance of the expected relationship of master and servant. Edwards said to Archer, "You pretend to be a gentleman - you're no gentleman".<sup>30</sup> Edwards' remark comprehensively breached the required deferential relationship of assignees to their masters by denying Archer's assumed superior social status, the basis of his claim to unquestioned authority. That Edwards received a sentence of three months' hard labour, and was removed from Archer's service, suggests how seriously this offence was regarded.

Convicts' insolence not only demonstrated a refusal to undertake certain tasks, or constituted a response to the denial of assumed rights, but more fundamentally could reveal convicts' refusal of the terms of their servitude. In the instances cited above, insolence expressed the assignees denial of the terms of the deferential relationship with their employer, and challenged the coercive powers of penal authority. Such outbursts were even more damaging when they were made in public. Frederic Cooper and William Braker received a sentence of six months' hard labour for being idle at their work, and laughing when their master Thomas Dryden spoke to them for it.<sup>31</sup> William Rogers was sentenced to fifty lashes for his insolence, which was recounted by overseer James Parson; "he then said 'You may take me to Hell if you like, I don't care a damn for you nor Mr. Horne [magistrate] either' - All the other men were present".<sup>32</sup> Here, plainly, the presence of the other convicts added to the gravity of the offence. Already sentenced to three months hard labour for insolence to his master in March 1838, a further abusive outburst before the Police Magistrate

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<sup>30</sup> Deposition of William Brighton, 3 May 1836, LC 362/3. 230 James Edwards, *per Thames*, Con 31.

<sup>31</sup> Charge against 1866 Frederic Cooper, *per Mangles*, and William Braker, *Jupiter*, 7 November 1836, LC 362/3.

<sup>32</sup> Deposition of James Parsons, 30 May 1836, LC 363/3.

earned John Weston fifty lashes.<sup>33</sup> Publicity added a still more damaging aspect to such challenges to authority.

Convicts' insolence often suggested that they did not care if they were disciplined, and in some instances their words suggested that this was in fact the end that they sought. Sent into Longford one November Saturday in 1836 by his master James Brumby, Michael Hogan seized the opportunity to take a drink in town. Returning at around four o'clock, quite drunk, Hogan asked Brumby for more liquor. Brumby refused, and ordered the man to his hut. Defiantly drunk, Hogan would not go. Brumby then threatened the man that if he would not go to his hut, a constable would be brought and he would be taken into custody. Hogan's response indicated defiant scorn; "That's just what I want - I'm just the man for that sort of thing - I'm not going to be made a bloody pack Horse of for you, or anyone else".<sup>34</sup> When Charles Wilkinson was challenged by John Robinson, his overseer, on suspicion of stealing eggs, his reported reply was in a similar vein: "his manner was very insolent - He told me that he did not care - I had done as much as I could against him & asked me why I did not send him away - the next morning he asked me for a pass to go to the Police Office - which I gave him".<sup>35</sup> Equally plainly, when overseer William Turnbull criticised Thomas Adams' efforts at morticing posts on William Archer's farm, Adams "said he wished to get away". Turnbull added when giving evidence to the bench; "he [Adams] is constantly going against my orders".<sup>36</sup>

Vexed by the conduct of his own assigned servants, James Sutherland remarked in his journal in October 1824, "I knew an opinion existed among prisoners that to get out of a place they did not like they often observed, 'Damn it, give your

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<sup>33</sup> Charge against 1494 John Weston, *per Circassian*, 14 March 1848, LC 53/1. The court record does not reveal what Weston's insolent remark was, it might plausibly be suggested that it was words to the effect that he did not care that he had been sentenced to hard labour.

<sup>34</sup> Deposition of James Brumby, 22 November 1836, LC 362/3.

<sup>35</sup> Deposition of John G. Robinson, 29 September 1836, LC 362/3.

<sup>36</sup> Deposition of William Turnbull, 19 April 1836, LC 362/3.

Master a bit of insolence - he'll have you punished and turn you in'".<sup>37</sup> Continued insolence could make a prisoner's employment by the master it was directed at unsustainable. Bringing Thomas Pittfield before the magistrate for insolence and disobedience in 1829, Thomas Reiby stated, "the Prisoner is so very insolent, that I am fearful to speak to him".<sup>38</sup> George Daunton explicitly informed his master Abraham Walker that he would make his continued employment untenable. During a confrontation between the two men Daunton told Walker he was, "a bugger, and ... ought to have been burnt when my [Walker's] stacks were burnt". Daunton then declared, "if you attempt to keep me twelve months longer on this farm I will breed more disturbance than Bonaparte did in Europe".<sup>39</sup> Daunton was removed from Walker's service following this incident, his sentence extended two years, and he was transferred to the other side of the island.

Female assigned servants have been shown in Kirsty Reid's study to have similarly goaded their employers into taking them before a magistrate, with the ultimate aim of seeking their dismissal, and removal to the Female Factory and subsequent reassignment.<sup>40</sup> By such means, Reid argues, the women were able to intervene in the terms of their employment, and most importantly to dictate the severance of that employment, if their master obdurately refused to concede to the women's demands. Insolence as a tactic of convict resistance in this form can be seen to have been common to both male and female servants.

This is a finding of some importance, as it suggests that in this respect assigned convict men and women shared a common cultural practice of purposefully defiant insolence to their employers, when the terms and conditions of their

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<sup>37</sup> Journal of James Sutherland, 28 October 1824, NS 61.

<sup>38</sup> Deposition of Thomas Reiby, 7 April 1829, LC 362/1.

<sup>39</sup> Deposition of A. Walker, POL 486 [individual entries in this series undated]. Reference to Daunton's Conduct Register suggests this offence to date to February 1840; see 1332 George Daunton, *per Lord William Bentinck*, Con 31.

<sup>40</sup> K. Reid, *op. cit.*, pp. 260-66.

employment were unacceptable to them. Given the disparity in the instruments available to the authorities for punishing refractory convict men, compared with women, the fact that they also have adopted this practice is yet more significant. Female convicts would certainly face an unpleasant period in the very degraded 'crime class' section of a female factory, but in the period in question here they were no longer subject to flogging. Reid has, however, suggested that by the 1830s the penal authorities were privately conceding that they had no effective sanctions against offending convict women.<sup>41</sup> By contrast, convict men faced the possibility of being flogged, sentenced to terms of heavy labour in public works gangs, often in irons, or sentences to terms in penal stations. This is not to suggest that convict women had an easier term under sentence. Nevertheless, it is clear that many assigned men, who cannot have been unaware of the drastic punishments that they were liable to receive, also deployed the common language of insolence they shared with convict women, in order to end service to masters they particularly disliked. Both sexes used this language as a potent weapon to destroy the confidence of masters and their overseers in the effectiveness of their authority. The point here is not to challenge the importance of gender variables in the study of transported convicts, or indeed in the lived experience of convicts themselves. Comparison of convict men and women can, however, identify common practices of real significance. Further, it can be suggested that insolence was to some extent a class-based practice, in the sense of class as perceived common experience and common situation within established power relations, and manifest as a common culture of defiance as described here.

Through insolent outbursts convicts not only tested the workplace authority of their employer, as Byrne considers, but more essentially challenged the underlying assumptions of power and domination.<sup>42</sup> Atkinson's study argues similarly that convict insolence related in the New South Wales magistrates' bench books can reveal

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<sup>41</sup> *Ibid.*, p. 236.

<sup>42</sup> P.J. Byrne, *op. cit.*, pp. 33-35.

these fundamentally opposing views of power held by convicts and their masters.<sup>43</sup> However, outbursts such as that of James Murray, who told his master that “he might go and f--k himself”, are discounted by Atkinson as he supposes they reveal nothing of the motivation or intent of the convict concerned.<sup>44</sup> On the contrary, such outbursts can reveal clear intent to undermine the master’s authority and engineer an individual’s removal from his workplace. Thus, if convicts had no say in to whom they were assigned, they could nevertheless ensure any specific assignment was aborted, if they were willing to risk the ensuing punishment.

Insolence from assigned servants was often a response to masters’ criticism or comment on their work. Such a response might be indicative of the prisoners’ irritation at being corrected in a task they were struggling with, or else thought they were doing perfectly well. Neglect of work by prisoner servants was a problem that dogged colonial masters. As James Backhouse noted, “some of the prisoners in assigned service are very industrious, but a much larger proportion are of a very different character, and require constant attention to keep them at work”.<sup>45</sup> Certainly, in a number of instances, convicts were brought before the magistrate’s bench to answer a charge of neglect of work. The charge ‘neglect of work’ was applied to a broad range of offences, covering cases in which an assigned servant had simply not done his work, had not worked hard enough by their master’s judgement, or had done his labour in a careless manner that had resulted in loss to the employer.

In the winter of 1830 John Leech was sent to pull three loads of turnips to feed the cattle on William Archer’s property. With a remarkably conscientious attitude to

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<sup>43</sup> A. Atkinson, *op. cit.*, pp. 31-32.

<sup>44</sup> *Ibid.*, p. 32. It is an interesting politeness introduced to the abuse that in this instance the master “*might go and f--k himself*” [italics mine] and also in the case of Charles Stevens above [note 21]. It is probable that this was an expression used by the employer in court, rather than the precise wording of the offender. Exaggerated politeness, however, could certainly form a potentially mocking form of insolence.

<sup>45</sup> J. Backhouse, *A Narrative of A Visit to the Australian Colonies*, (London, Hamilton and Adams, 1843), Appendix F, liii.

his duties as superintendent of the men, William MacKay observed Leech at work.

McKay described to the bench how:

he [Leech] took about an hour to walk down to the field which [is] about forty rods from the house - I observed when he got on the ground he did nothing like the quantity he ought - he pulled scarcely one load. At one o'clock the Prisoner came home to his dinner and told me he had pulled three good loads - on the following morning I went down to the field and discovered the Prisoner had as I suspected pulled scarcely a load.<sup>46</sup>

John Woollet and Edward Stewart were brought before the same magistrate's bench the following month to answer a charge of "general neglect of duty, particularly on Tuesday or Wednesday last".<sup>47</sup> Despite the notable inexactitude of the charge, Joseph Archer made his case against the two prisoners with precision and detail. Woollet, Archer stated, was employed as ploughman, and "is a good Ploughman when he thinks proper".<sup>48</sup> Woollet, however, was also wilful and stubborn. As Archer related; "I have repeatedly given him instructions to plough narrow furrows but he does not attend to my orders, and persists in ploughing broad ones". Given that Woollet's ploughing did not meet with his approval, Archer was no doubt enraged when he then found Edward Stewart, the unskilled man, ploughing, "making Woollet's bad work still worse - thereby making Woollet idle his time away". Woollet declared in his defence, "I do the best I can", and was reprimanded by the magistrate. Stewart was found guilty of insolence and sentenced to fifty lashes. In this instance it can be seen that the assumption of a reasonably deferential attitude by Woollet earned him a mere

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<sup>46</sup> Deposition of William MacKay, 8 June 1830, LC 362/2. 432 John Leech, *per Roslyn Castle*, stated in his defence that MacKay's statement was false, and that MacKay bore him an ill-will. The magistrate Malcolm Laing Smith was unmoved by this claim, and sentenced the prisoner to three months' hard labour in the Launceston Chain Gang. It might be thought that MacKay's close supervision suggests that he anticipated neglect, in turn supporting the suggestion of pre-existing tensions between the two men. It appears possible that MacKay set Leech this task with the intention of catching him out, and having him punished.

<sup>47</sup> Charge against 931 John Woollet, *per Lady Harewood* and 885 John Stewart, *per Marmion*, 27 July 1839, LC 362/2.

<sup>48</sup> Deposition of Joseph Archer, 27 July 1830, LC 362/2.

reprimand, while Stewart's insolence earned him a flogging. It is possible that Woollet was playing up to his superiors' belief that convicts were inferior workers, and that he calculatingly adopted such a stance.

The Acting Police Magistrate at Campbell Town was regaled with a catalogue of neglect in February 1835 when George Laycock was brought before him. Richard Willis, the man's employer, related his misconduct:

I have had occasion to order the prisoner to take a flock of Rams out to water, and instead of doing so, he has placed them in a close paddock, where there is a fine crop of Mangle Wurzel, which I do not wish disturbed - and he had laid himself under a Tree during the day ... On Friday last I discovered that one of my Rams which was under his charge was dead, in consequence of not having water. I ordered him on Friday afternoon with 2 other men to clean some Barley - I found on Saturday morning a quantity of the Barley which had been cleaned, again mixed up with the Chaff - I also charge him with not going to work at [the] proper time, he is frequently an hour or 2 hours in bed after being called. His general character is bad in the extreme, and he is very insolent.<sup>49</sup>

Bringing William Lotus before the Police Magistrate at Brighton in April 1838, James Collins' description revealed perhaps the central grievance of masters of assigned labour; Lotus was charged with not threshing wheat cleanly, Collins stated, "I took up a lot of Straw this morning that he had thrown out - I observed in almost every ear some wheat - *I have so often complained of it that I think he does it wilfully*"<sup>50</sup>[author's emphasis]. Collins would not have known that Lotus' Conduct Register revealed a number of similar earlier instances. Assigned to Thomas Fletcher, he had been disciplined for neglect of duty in October 1829, May 1830, and June 1831. Lotus was subsequently granted a ticket-of-leave, but had it suspended in July 1836 when he was found drunk in a public house. Deprived of this indulgence, Lotus was assigned to Collins in 1838, and latterly removed to the service of Salmon,

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<sup>49</sup> Deposition of Richard Willis, 9 February 1835, LC 83/1.

<sup>50</sup> Deposition of James Collins, 7 April 1838, LC 53/1. Lotus was sentenced to one months hard labour, and removed from his service.



another settler, where he was again disciplined for neglect of duty in November that year.<sup>51</sup>

William Lotus' personal history would have been described as typical, damnable convict recalcitrance by contemporary officials and employers. Neglect of work, as described in the instances above, was, however, a wilful protest by convicts. Through this form of action convicts were able to impose their own limitations on the work demanded of them. Expressly, neglect of work was a charge that often related to the amount of labour that could be demanded of assignees. John Leech attempted to dictate how many loads of turnips he could be ordered to pull, Woollet to enforce his own standards of work with the plough. Paula Byrne has emphasised the importance laid by masters on bringing charges of neglect concerning the loss or damage caused their property.<sup>52</sup> Such losses could be significant. The ram lost as a result of George Laycock's misconduct would have been expensive to replace. Equally, the wheat left in the ear, or mixed with chaff, by both Laycock and Lotus, represented a loss of valuable grain. Damage caused by the convicts' conduct in this way may not, however, have been the aspect of greatest importance to the convicts, whose actions sought to delimit their master's authority.

Malingering, or feigning illness was a further important means of contesting labour demands. An unfit convict could not work, and in rural areas removed from medical care and diagnosis, a false claim could be difficult to disprove. Assigned convicts' claims to ill-health or injury did not necessarily extend to the types of self-harm reported in penal-station and ganged labour.<sup>53</sup> More typically, convicts claimed

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<sup>51</sup> 402 William Lotus, *per Marmion*, Con 31. Lotus was returned to government and reassigned again in 1838, before finally regaining his ticket-of-leave in May 1840. In 1842 he was granted his Free Certificate. As remarkable as Lotus colonial career is, his pre-transportation experience also demonstrates a will to deny the will of justice. Originally sentenced in Warwick to seven years for the theft of three ducks, he escaped from the Hulk, only to be recaptured and handed down an extended sentence of fourteen years transportation.

<sup>52</sup> P.J. Byrne, *op. cit.*, p. 35.

<sup>53</sup> T. O'Connor, *op. cit.*, pp. 59 and 80-1; W. Nichol, *op. cit.*, p. 18. Nichol p. 20 note 16 relates the instance of an unnamed convict in Van Diemen's Land who severed his hand in order to escape his master. Such an incident, if true, was arguably an exceptional case.

routine illnesses. When employed with the threshing machine John Smith complained that his work was too heavy for him, and that his arms ached. His inability was dismissed by his master as neglect, and he was accordingly taken before a magistrate and disciplined. Smith stated in his defence that, "I have been ill for the last fortnight with a swelling in my throat". Smith's illness, real or imagined, did not concern the magistrate, who sentenced him to ten days' solitary confinement.<sup>54</sup> Smith's case of course highlights an important problematic in discussing malingering as a form of resistance. It would seem likely that in many cases, given inadequate and possibly biased diagnoses, prisoners were punished for genuine complaints. In other cases the convicts' claims to ill health were more seriously considered. In November 1836 William White, James Gregor and John Hudson refused to work, informing Edward Archer that they were unwell. The men's plea was disbelieved and investigated by District Assistant Surgeon Salmon, who pronounced the men fit and well. Their pretence uncovered, White was sentenced to fifty lashes, Gregor to twenty-five lashes, and Hudson to five hours in the stocks.<sup>55</sup> John Fisher's claims of being unwell were equally thoroughly tested by Dr. Paton. Fisher was confined in a cell, and the Doctor gave:

instructions to the Javelin men to observe the state of his bowels, which they did by placing a tub in his cell and examining the contents - there was no indication of looseness - by next morning his bowels were in usual healthy order and have remained so.<sup>56</sup>

Found guilty of pretending illness, Fisher received twelve lashes.

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<sup>54</sup> Charge against 1051 John Smith, 27 July 1830, LC 362/2.

<sup>55</sup> Charge against 1782 William White, *per Arab*; James Gregor, *per Lady Kennaway*; 1854 John Hudson, *per Augusta Jessie*, 8 November 1836, LC 362/3. The men maintained their plea of ill health before the magistrate.

<sup>56</sup> Deposition of Dr. William Paton, 4 April 1836, LC 362/3. Javelin Men were convicts who were employed as guards and attendants at gaols.

Whilst the cases discussed here, being extracted from magistrates' records, describe unsuccessful attempts at pretence, or rejection by authority of convicts' illnesses, it is probable that in many instances claims of such mundane health problems as diarrhoea were answered by time away from work. As Nichol has argued, the fact that convicts were regularly punished for 'feigned illness' suggests that this was an important area of contest in the 1830s.<sup>57</sup> Medical provision for assignees was limited, and in reality in many instances it may have been the master who administered medicines as he saw fit. Under such circumstances it could perhaps be difficult at times to deny a convict's illness, yet equally it would have been a source of frustration that the individual's labour was lost. It might be surmised that how assiduously a prisoner's claims to ill health were investigated related more to labour demands of the moment, and the convict's prior character, than to observable symptoms. Moreover, investigation of claims by a doctor or the magistrate itself offered a form of success for the convict concerned, whether genuinely sick or a malingerer, in that it required an interruption of the work routine, including absence from the property. Even where illness was disproved, this could frustrate the management of the employer. Such a gain was made, however, at the considerable risk of physical chastisement.

Assigned servants refusal to work, feigned illness, insolence and neglect of work, can be understood as the means by which they negotiated the terms and conditions of their servitude. Reacting to their employers orders or expectations in these ways, prisoners could attempt to define and enforce how much labour they thought was their duty, or what hours they could be expected to work. Relations between master and servant were continually tested and redefined in this way, neither the master nor the convict holding absolute power. As the employer had recourse to the authority of the magistrate and could thereby ultimately invoke physical sanctions, so too convicts could invoke sanctions against their employer. Atkinson has termed resistance of this form 'compensatory retribution', describing it as the means by which

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<sup>57</sup> W. Nichol, *op. cit.*, pp. 22-23.

convicts enacted their own punishment on their masters.<sup>58</sup> Further, the nature of rural labour exposed masters particularly to the risks of such convict aggression, as their capital, whether livestock, implements, or produce, was in the hands of their convict employees.

Joseph Archer penned an urgent letter to the Colonial Secretary from his property Panshanger on the afternoon of 25 October 1829:

I am sorry to communicate to you that this day, about half past two o'clock in the afternoon some one or more of my convict servants have set fire to a stack of oats and barley belonging to me containing about 500 bushels.<sup>59</sup>

Without question the loss of this substantial quantity of grain was a severe blow to Archer. In a further letter he outlined his strong suspicions against four of his assigned servants in connection with the blaze:

Some of the men in my employ had exhibited for a length of time a degree of insolent and improper conduct ... the allowances therefore of four individuals were suspended the night before the stack was set fire to; and from some expressions made use of by one of the men to my Overseer suspicion *did attach to him* - and naturally also to the other *three*.<sup>60</sup>

While Archer understood the nature of his relation to his assigned servants well enough to recognise that his suspension of their allowances might provide a cause for such an attack, the guilt of the accused servants could not be proven. Crown Solicitor Alfred Stephen wrote to the Colonial Secretary stating, "At present I do not see but that the fire might *possibly* have been accidental".<sup>61</sup>

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<sup>58</sup> A. Atkinson, *op. cit.*, pp. 39-43.

<sup>59</sup> Letter of Joseph Archer to Colonial Secretary John Burnett, 25 October 1829, CSO 1/428/9632.

<sup>60</sup> Letter of Joseph Archer to Colonial Secretary John Burnett, 2 November 1829, CSO 1/428/9632.

<sup>61</sup> Letter of Alfred Stephen to John Burnett, 6 November 1829, CSO 1/428/9632. Establishing the guilt of arsonists was problematic, given the covert nature of the attack, and it was not always possible to establish beyond doubt that a fire was not accidental. This difficulty also troubled English prosecutors; see D. Jones, "Thomas Campbell Foster and the Rural Labourer: Incendiarism in East

Arson was arguably the most important mode of rural protest in late eighteenth- and early nineteenth-century England.<sup>62</sup> While in Van Diemen's Land arson did not reach the proportions that it did in England in the nineteenth century, it was perhaps the most dramatic and devastating action convicts could take against their employer.<sup>63</sup> In placing the scale and impact of rural arson in Van Diemen's Land in context, it should be recognised that settlers were unlikely to be unaware of events in Britain, where rates of rural incendiarism reached terrifying levels. Various ideas about the identities of the arsonists circulated in England, and reports of a grand conspiracy to overthrow the landed class were common.<sup>64</sup> Such notions would perhaps have tended to promote particular fears in a penal colony. The destruction of grain was certainly a costly loss to the employer. In 1826 Abraham Walker had sought government compensation for the loss of his property to arson committed by the Brady gang, but

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Anglia in the 1840s", *Social History*, 1 (1978), pp. 13-14; J.E. Archer, 'By a Flash and a Scare': *Incendiarism, Animal Maiming and Poaching in East Anglia 1815-70* (Oxford: Clarendon Press, 1990), pp. 28 and 68-9. Archer cites the example of boys employed in the fields as crow scarers starting fires to warm themselves, which then got out of control. In such circumstances they might be charged with arson, and ultimately transported to Van Diemen's Land.

<sup>62</sup> Arson was an important form of rural protest in England from the 1790s until the 1870s. While there is debate over the intensity and importance of arson at different times in this long period, it must clearly be recognised as an established form of action. See D. Jones, *op. cit.*, pp. 5-43; E.J. Hobsbawm and G. Rudé, *Captain Swing* (Harmondsworth: Penguin, 1973); R.A.E. Wells, "The Development of the English Rural Proletariat and Social Protest, 1700-1850", *Journal of Peasant Studies*, 6 (1979), pp. 113-39; A. Charlesworth, "The Development of the English Rural Proletariat and Social Protest: A Comment", *Journal of Peasant Studies*, 8 (1980), pp. 101-111; R.A.E. Wells, "Social Conflict and Protest in the English Countryside in the Early Nineteenth Century: A Rejoinder", *Journal of Peasant Studies*, 9 (1981), pp. 514-30; J.E. Archer, "The Wells-Charlesworth Debate: A Personal Comment on Norfolk and Suffolk", *Journal of Peasant Studies*, 9 (1982), pp. 277-84; J.E. Archer, "Under cover of night", in G.E. Mingay (ed.), *The Unquiet Countryside* (London: Routledge, 1989), pp. 65-79; J.E. Archer, 'By a Flash and a Scare', *passim*; S. Hussy and L. Swash, 'Horrid Lights': 19th Century Incendiarism in Essex, *Studies in Essex History*, Number 5, (Chelmsford: Essex Record Office, 1994).

<sup>63</sup> Archer's study has found in Norfolk and Sussex alone 159 cases of arson 1820-29, 372 cases 1830-39, and 624 cases 1840-49. In contrast this chapter principally discusses two cases described in Colonial Secretary's Office files, while Alan Atkinson found three instances in his study of New South Wales magistrate's bench books 1824-38. See J.E. Archer, 'By a Flash and a Scare', p. 167; A. Atkinson, *op. cit.*, p. 40. For details of the Van Diemen's Land examples considered here see CSO 1/547/11913 and CSO 1/428/9632. These cases are not offered as an exhaustive list, but demonstrate that arson was part of the convicts' lexicon of protest. Arson persisted in post-transportation Tasmania and in the mainland colonies as a form of rural protest; see for example *The Mercury*, 25 January 1866; J. Ferry, *Colonial Armidale* (St. Lucia: University of Queensland Press, 1999), pp. 78-80.

<sup>64</sup> J.E. Archer, 'By a Flash and a Scare', pp. 170-77.

the colonial authorities refused to accept liability for any such action by convicts.<sup>65</sup> Arson also had a particular psychological impact, in its spectacular nature, and in the implicit threat to the security of the master's own person.

Moreover, arson did so at a limited risk to the convict, and required relatively little effort on their part. Wheat stacks were highly combustible, and could rapidly be set alight by the application of a convict's pipe, or even more conveniently latterly by the use of a 'strike anywhere' match.<sup>66</sup> Given that arson was generally carried out at night, it was often difficult to find the person responsible, and this may have led to under reporting. That few arsonists were apprehended, also means that the specific motivation behind such attacks is not always clear, although, as in English cases, it can be surmised that the flash point was commonly a dispute between master and servant.<sup>67</sup>

In 1831 Joseph Archer again suffered arson on his property, a blaze yet more serious than that of 1829, as he informed the Colonial Secretary: "A lamentable and appalling outrage of some one or more of the convicts employed here - the Monday night the 5th my Overseer about 8 o'clock perceived that three stacks of wheat were on

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<sup>65</sup> Letter from W. Huskisson to Lieutenant-Governor Arthur, 28 April 1828, *Historical Records of Australia*, Resumed Series III, Volume VII, pp. 264-65. Walker's attempt to gain compensation possibly reflected the resurrection in 1815 in England of a clause of the Black Act that entitled victims of arson to compensation. This legislation was removed from the statute books in 1827 as a result of increasing cost - thereafter the burden fell on private insurers. See J.E. Archer, "The Wells-Charlesworth Debate: A Personal Comment", p. 279; The Black Act of 1723 is usefully reproduced in E.P. Thomspon, *Whigs and Hunters; The Origin of the Black Act* (Harmondsworth: Penguin, 1985), pp. 270-77. The relevant section of the Act is Article VIII.

<sup>66</sup> Lucifer matches became widely available in England in the 1830s, and have been linked to increased levels of fire raising by disgruntled rural labourers. Matches were easily portable, readily concealed, and produced fast ignition, in contrast to earlier methods of arson which had entailed the use of burning coals, cinders or smouldering peat, or a tinder box and flint. See J.E. Archer, *'By a Flash and a Scare'*, pp. 73-74; S. Hussey and L. Swash, *op. cit.*, p. 2. It seems probable that matches may have been used similarly when they became available in the colony.

<sup>67</sup> The causes of disputes between masters and men were various, and it was the break down of this relationship that that was often the spark for an attack of arson. See J.E. Archer, *'By a Flash and a Scare'*, pp. 132-47; A. Atkinson, *op. cit.*, p. 41; J.E. Archer, "Under cover of night", p. 73; S. Hussey and L. Swash, *op. cit.*, p. 5. Stephen Hussey describes the reasons for such actions in England succinctly, suggesting that for younger men it was often a response to violence or abuse from the master, for older men a response to an unjust reprimand or a disputed sacking. Hussey's argument might plausibly be extended to Van Diemen's Land.

fire containing upwards of 2000 bushels".<sup>68</sup> Destruction of three stacks in the blaze represented a loss valued at £500, a substantial blow even to a man of Archer's wealth. As in 1829 suspicion focused on certain of his assigned men. Two convicts, George Stewart and William Thomas, were taken into custody and charged with setting the fire.<sup>69</sup> Thomas and Stewart shared a hut on the property, and both men had possible motives for the attack. Thomas' indulgences had been cut two weeks earlier while Stewart, on the day prior to the fire, had been refused clothing, at which time he stated:

I am not used like any other man, if any of the other men go up they get what they ask for, but if I go I am ordered off for a damned scoundrel ... something shall be done and I will take good care to see that it is done.

Further suspicion was attached to Stewart and Thomas by their conduct during the blaze. Archer stated that on the night of the fire he, "observed a willingness to exert themselves and a degree of solicitude and regret expressed on the countenances of all the men except the Prisoners George Stewart and William Thomas".<sup>70</sup> Indeed, the testimony of William Smith, a free sawyer employed about the Burlington property, noted the efforts of the assignees:

I remained at the Fire until about Ten O'Clock and until everything was done that could be done, all the men on the farm came to the fire as soon as it was discovered, the only thing saved was the posts and Rails of the Stack yard fence.<sup>71</sup>

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<sup>68</sup> Complaint and informations regarding the destruction of Joseph Archer's wheat stacks, 7 September 1831, CSO 1/547/11913.

<sup>69</sup> 885 Edward Stewart, *per marmion*, and 391 William Thomas, *per Asia* (2), Con 31. Although named as George Stewart in the complaint and evidence, this convict has been identified as in reality Edward Stewart. Such confusion of convicts' names between different records is not uncommon.

<sup>70</sup> Information of Joseph Archer, 13 September 1831, CSO 1/547/11913.

<sup>71</sup> Information of William Smith, 23 September 1831, CSO 1/547/11913.

In contrast Archer had witnessed no efforts to assist from the two suspected convicts:

Stewart was walking about in a careless manner with his arms akimbo, looking on apparently with no concern or solicitude whatsoever - I observed the Prisoner "Thomas" particularly, the expression of his countenance was so peculiar and sinister, that, when I passed him, I could not help saying to him, "You are a great villain".<sup>72</sup>

Archer's overseer, John Tait, revealed how he had first encountered Stewart on the night of the fire, "standing between the Chimney and the corner of his Hut smoking his pipe". Although Tait did not remark upon it, a pipe was a possible source of ignition. From his position Stewart could, "distinctly see the Stacks", yet when confronted by the agitated overseer he said calmly, "Oh! dear! What is the matter". Tait also swore that when he had seen Stewart later on the night of the fire, he seemed, "quite cool and unconcerned and had the appearance more of satisfaction than regret at his Master's loss".<sup>73</sup>

While circumstantial evidence appeared strongly to point towards the guilt of Thomas, and more particularly of Stewart, the case against them could not be proven. Archer suspected that his assignees had collaborated to suppress the information that would have led him to the culprits. Such a suspicion reveals a further weapon in the convict arsonist's arsenal, anonymity; while the master or overseer was necessarily visible in enforcing discipline, the convict was often able to remain invisible and unknown when exacting retribution.<sup>74</sup> Whilst in this instance the greater part of the workforce appear to have strenuously assisted in tackling the fire, arson could also provide an opportunity for a general expression of dissatisfaction. Stephen Hussey

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<sup>72</sup> Information of Joseph Archer, 13 September 1831, CSO 1/547/11913.

<sup>73</sup> Information of John Tait, 12 September 1831, CSO 1/547/11913.

<sup>74</sup> One aspect of rural protest associated with rick burning and animal maiming in England appears intriguingly absent from Van Diemen's Land - the sending of anonymous letters. There often either accompanied or preceded attacks against property. It is not clear why these do not appear to have been resorted to in the colony. See E.P. Thompson, "The Crime of Anonymity", in D. Hay *et. al.*, *Albion's Fatal Tree; Crime and Society in Eighteenth Century England* (London: Allen Lane, 1975), pp. 255-344.



describes an instance in Radminster, Essex in 1848, when bystanders helped themselves to the roasted meat of the two calves that had been trapped in the barn set ablaze.<sup>75</sup> Such an occasion was seized upon as a rare chance for open defiance, although the initial fire may have been set by one aggrieved individual. Were it the case that Stewart and Thomas were in truth not guilty of setting the fire on Archer's property in 1831, they may nevertheless have seen it as answering their personal grievances with him, and consequently revelled in his loss.

Violence by convicts against livestock might reveal similar tensions in their relation to the master. The motivation behind attacks on livestock is not always apparent, and it must therefore be with some caution that such cases are represented as examples of protest.<sup>76</sup> Convicts do, however, appear to have been particularly violent towards their master's stock in certain instances. John Meigh received twenty-four lashes in 1838 for beating his master's cow with a stick, and breaking two of her ribs; while in 1837 John Bidgood was caught beating his master's bullock in the face with a whip.<sup>77</sup> Incidents such as these may have arisen in part from individual convicts' tempers, and inexperience in handling farm livestock. It also seems probable, however, that convicts gave vent to their anger and resentment towards their employers in such cases, and that specific actions by the employer may have incited these responses. More explicit were the actions of Stephen Steptoe, who in May 1831 was charged with "feloniously shooting at and wounding a Bullock value £10 the property of his Master"; and John Jones, who in September 1830 killed his

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<sup>75</sup> S. Hussey and L. Swash, *op. cit.*, p. 10.

<sup>76</sup> For a discussion of the nature and extent of animal maiming in rural England in the nineteenth century see J.E. Archer, " 'A fiendish outrage'?; A study of animal maiming in East Anglia 1830-70", *Agricultural History Review*, 33 (1985), pp. 147-57; J.E. Archer, 'By a Flash and a Scare', pp. 198-221. Archer has noted the difficulty in establishing motive or meaning in many cases in his study. Attacks were usually anonymous, and offenders rarely apprehended. In certain cases of mutilation of the genitals the motivation appears to have been sexual sadism, while in other instances it was perhaps more plainly as a result of a personal grudge. In some instances the deaths were accidental; grooming horses often entailed administering arsenic in order to give the coat a bloom - mistakenly large doses resulted in death.

<sup>77</sup> Charge against 994 John Meigh, *per England*, 18 August 1838, LC 53/1; Charge against John Bidgood, *per Lady Harewood*, 27 January 1837, LC 362/3.

employer's tame eagle hawk.<sup>78</sup> Where the attack on the stock was as direct as in these instances, it seems likely that it was a premeditated affront, indeed threat, to the owner.

Loss of stock by theft or sale by assigned servants also formed an aspect of convict resistance. R.A.E. Wells has argued that sheep theft as a form of social protest, or as a crime of vengeance, was common in Yorkshire in the early nineteenth century.<sup>79</sup> Instances of such theft by prisoner servants in the colony were reported, although they were not prevalent. In 1835 Thomas Payne was brought before the magistrate at Campbell Town for disposing of a number of his employer's sheep. He accounted for the animals to the magistrate;

I received 123 sheep from the Overseer before leaving Break of Day Plains, and got 15/- in money - I got down to Campbell Town in 2 1/2 days after leaving home. I had some money left when I arrived at Campbell Town & I sold 2 sheep to Mr. Broad at 10/- each as they could not travel any further - I sold one to Mr. Dickinson at Ross for 8/- also 2 at the Blackman's River - to Fleming for 9/- a piece - I spent all the money on the road, and did not return any to my master or Overseer. I returned 113 or 114 sheep out of the 123.<sup>80</sup>

Payne's unabashed misconduct was rewarded by the magistrate with a sentence of twelve months in Port Arthur. As Wells has remarked, however, the precise motivation and nature of offences such as this remains problematic; "all the normal tolls of historical criminology, 'protest crime', 'social crime', 'rural crime', 'poverty-

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<sup>78</sup> 478 Stephen Steptoe, *per Morley*, 10 May 1831, Con 31; Charge against John Jones, *Lady Harewood*, 18 September, 1832, LC 362/2. The practice of domesticating native animals may not have been uncommon among settlers in the colony. James Sutherland and his family had adopted a kangaroo in in the mid-1820s. Sutherland noted in his journal the unfortunate demise of the animal, displaying evident sorrow; "Mr. Leake & his Son called and dined - During the time we were at the table his cursed dog killed our poor Harriette, that we have had so many months, so tame, so playful, so affectionate - we are sad for the loss of our harmless kangaroo". See Journal of James Sutherland, 23 December 1824, NS 61.

<sup>79</sup> R.A.E. Wells, "Sheep rustling in Yorkshire in the age of the Industrial and Agricultural Revolution", *Northern History*, 20 (1984) p. 139.

<sup>80</sup> Deposition of 877 Thomas Payne, *per Circassian*, 18 April 1835, LC 83/1. As the sale of the sheep listed by Payne realised £2 6/-, and he had initially been given 15/- it is not clear how he spent this sum whilst on the road. Certainly it seems unlikely he could have spent the money on alcohol alone, as might be suspected of a lower amount. The amount concerned raises the possibility of others being involved, although there was no recorded allusion to this at the hearing.

induced crime', are relevant to the study of sheep stealing, but in the final analysis this variety of ... offence stubbornly eludes any precise categorisation".<sup>81</sup> Contemporaries demonstrated greater certainty in assessing the seriousness of the problem posed by stock theft. John Thomas Bigge noted the particular extent of sheep thefts in Van Diemen's Land, with droves of 2-300 being slaughtered and salted down, or else taken and combined with other stocks.<sup>82</sup> Edward Curr stated that sheep stealing was rife, and well organised, the shepherd himself commonly involved. Moreover, Curr argued, "many persons, in calculating the profits on sheep, allow a deduction of twenty-five percent for robberies: this may probably be an exaggeration, but that must be a dreadful state of society which at all favours such a calculation".<sup>83</sup> Writing in 1852 John West remarked upon the high levels of stock theft, and informed his readers of the existence of stock yards concealed deep in the bush, where cattle were slaughtered, and "sheep by scores were salted down".<sup>84</sup>

Large scale thefts of the type referred to by such authors certainly occurred. In December 1824 Adam Amos, District Constable of Swan Port, recorded the theft of 300 sheep from Mr. Gatehouse's flock.<sup>85</sup> The following September Amos received word of the theft of another flock of sheep from George Meredith. On this occasion the constable and Meredith's party were able to follow the tracks and gave chase. At about one o'clock the party made the sea shore and the site where a prior flock of stolen sheep had been slaughtered. Sheep tracks, however, led away from this point, and the group continued their pursuit. Suffering from rheumatism in his knees, and

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<sup>81</sup> R.A.E. Wells, "Sheep rustling in Yorkshire", p. 145.

<sup>82</sup> J.T. Bigge, *Report of the Commissioner of Inquiry on the State of Agriculture and trade in the Colony of New South Wales* (London, 1823; edition used Adelaide: Libraries Board of South Australia, 1966), p. 30.

<sup>83</sup> E. Curr, *An Account of the Colony of Van Diemen's Land* (London: George Cowie, 1824), pp. 35-39.

<sup>84</sup> J. West, *The History of Tasmania, Volume II* (Launceston: Dowling, 1862; edition used Adelaide: Libraries Board of South Australia, 1966) pp. 138-39.

<sup>85</sup> Journal of Adam Amos, 1 December 1824, NS 323.

despairing of success, Amos left the party and returned home. Those who remained in pursuit eventually closed in on the stolen sheep, and found a boat sitting off the shore, onto which the slaughtered stock were being loaded. Amos's son reported that, "he saw a cask of newly rendered fat and saw where they had slaughtered the sheep and several sheep heads". The men made to apprehend the thieves, but were ultimately overpowered, and left disarmed on the shore.<sup>86</sup>

Stock theft on this scale, and demonstrating this level of organisation appears to relate imperfectly to convict grievances. It does, however, tend to connect some convicts to large-scale 'black economy' transactions, which was of significant libertarian as well as economic meaning. A substantial trade in stolen livestock existed in Britain. Much of the petty theft of fowls was, to be sure, destined for labourers' tables, while some of it was reset through dealers. Areas with access to growing urban markets, however, supplied larger demands; sheep stolen in Bedfordshire in 1834, it was reputed, were destined for Smithfield, and the London meat market.<sup>87</sup> John Archer has suggested that alongside the traditional vision of the poacher in the nineteenth century, the role of urban based individuals and gangs should be recognised. Such groups were often involved in the theft of a greater number of animals, and were commonly more organised than the individual opportunist taking a couple of rabbits.<sup>88</sup> Indeed, it has been remarked that agricultural labourers in Britain were relatively infrequently prosecuted for such thefts.<sup>89</sup> It could plausibly be argued, as the literature on stock theft and poaching in Britain tends to suggest, that such large

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<sup>86</sup> *Ibid.*, 4-9 September 1825.

<sup>87</sup> J.M. Beattie, *Crime and the Courts in England, 1660-1800*, (Oxford: Oxford University Press, 1986), pp. 186-88; A.J. Peacock, "Village Radicalism in East Anglia, 1800-1850", in J.P.D. Dunbabin (ed.), *Rural Discontent in Nineteenth Century Britain* (New York: Holmes and Meier, 1974), pp. 43-44.

<sup>88</sup> J.E. Archer, "Poaching gangs and violence: the urban-rural divide in nineteenth century Lancashire", *British Journal of Criminology*, 39 (1999), pp. 25-38.

<sup>89</sup> R.A.E. Wells, "Sheep rustling in Yorkshire", p. 144. Poaching required skills unlike other forms of theft, and it is possible that rural workers who were experienced with livestock or game, were better placed to commit these offences and avoid detection.

scale thefts in the colony were the work of individuals not directly associated with agriculture or the raided properties, but were rather firmly related to urban meat markets. Yet, as Sharon Morgan has noted, it remains possible that assigned convicts were supplying information to thieves. Morgan remarks that there were a number of raids during masters' absences, which suggests inside knowledge of movements on the property.<sup>90</sup> In the instance of the theft of George Meredith's stock in 1825, it is significant that among those identified as the culprits was one of his former assignees.<sup>91</sup>

Convict resistance might, in the forms discussed above, seek to contest or negotiate the relation of master and servant, or to invoke retribution where the convict's understanding of his rights or position had been breached. Such responses have been characterised by Atkinson as the convicts' part in the dialogue of authority, contesting but never fully rejecting the relationship of master and assigned convict.<sup>92</sup> This assessment has some value, but it should not be understood to weaken or invalidate these forms of action. Convict protest unquestionably did allow assignees, and other transported individuals in the colony, an area of power and agency officially proscribed. The historian should be slow to diminish the convicts' spirit on the basis that they did not fundamentally reject the structures of authority in assignment. Rather, it might be recognised that this represented a rational response to a situation of limited choices. Beyond the boundaries of emigrant settlement, of what might be termed the 'convict system', lay scant opportunities for return to Britain; most likely was pursuit and recapture, or death in the bush. One category of convicts, explicitly

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<sup>90</sup> S. Morgan, *Land Settlement in Early Tasmania; Creating an Antipodean England* (Cambridge: Cambridge University press, 1992), pp. 127-30.

<sup>91</sup> Journal of Adam Amos, 9 September 1825, NS 323. Amos' son James identified one of the thieves as Mumford, who had previously been in Meredith's employ. Strangely this is Mumford's only appearance in the journal; he was not recorded in any of Amos' musters.

<sup>92</sup> A. Atkinson, *op. cit.*, pp. 42-43.

excluded from Atkinson's discussion of protest, did choose to deny the role of assigned labourer in this way: those individuals who absconded.<sup>93</sup>

Absconders should be considered distinctly from those who went absent without leave and then returned. Assignees were not uncommonly found to be absent in this way from their hut, or their work. Where these absences were of short duration, the purpose was often to attend some short-term leisure activity outside work. In this way they may represent a challenge to what was permitted within the boundaries of assignment. Yet since they returned, it is evident that these convicts did not seek once and for all to sever their employment. While this distinction is useful, and reflects a distinction in law, it should be noted that any such distinction must be applied with caution, as it is apt to be confounded by the complexities of lived experience.

On Sunday 12 March 1826 James Sutherland found his convict shepherd Thomas Brown to be absent, and as many as three hundred and fifty sheep missing. Further, Sutherland had learned that Brown had also been absent from his hut one or two nights the previous week. On this occasion Brown returned with a "long false story of his being in the bush all night, with a large parcel of my sheep which had mixed with Mr. Simpson's".<sup>94</sup> Brown claimed to have gathered 200 of the herd, and would go out in search of the rest the following morning. Morning dawned, however, to reveal that Brown had absconded during the night, taking with him a bed rug, his clothing, and the men's weekly ration of sugar. Further enquiries revealed that Brown had taken to the bush with Simpson's shepherd Law, and two women, one of whom was thought to be the servant of Mrs. Powell, who had deserted her place at Launceston.<sup>95</sup> Twelve days later Thomas Smalley, another of Sutherland's assigned

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<sup>93</sup> *Ibid.*, p. 36. Atkinson does not examine absconding as the motives were rarely discussed in delivering verdicts on those captured and recorded in the magistrates bench books used in his study.

<sup>94</sup> Journal of James Sutherland, 25 March 1826, NS 61.

<sup>95</sup> *Ibid.*, 13 March 1826. This is a very suggestive set of circumstances, as described by Sutherland. His account of the situation suggests collusion between disparate convict individuals beyond the knowledge of their masters, and a shared decision to abscond. The reason for Brown's return on the

servants, reported to his master that he had encountered Brown in the bush, "Brown desired him to state to me [Sutherland] his desire to surrender himself and to return to his duty and submit to any punishment I might inflict upon him".<sup>96</sup> Brown gave himself up to Sutherland on the following Sunday, having rejoined his fellow workers in the hut the night previously. Despite Brown's attempt to regain his position, Sutherland was unmoved and Brown was committed to gaol at Jericho.<sup>97</sup>

Brown's absences, and ultimate absconding demonstrate the manner in which the two forms might overlap, and the distinction become uncertain. Earlier absences appear to have related to his final absconding, which in its failure it became perhaps only an extended absence. Yet an important difference remains, between absences which were intended to be noticed and final, and those which were only temporary. The circumstances of Brown's absconding with the two women suggest that it was his intention to pursue a relationship with one of them. In this regard, the future envisaged by Brown may have resembled that pursued by John Maldrett. Maldrett absconded from his master's farm in 1833, remaining absent until apprehended in 1835; in the intervening period he had gained work as a freeman, and had married.<sup>98</sup> Permanent absconding could then provide the space for the prisoner to deny his status, and re-enter life outwith the boundaries of penal society in a complete rejection of his conditions of servitude.

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12th would appear to have been to collect supplies. Possession of what might be termed an 'escape kit' was of course important if the convict was to successfully abscond. On 22 September 1833 John Bough, *per Sir Charles Forbes*, absconded from the Grass Tree Hill Road Gang. His information on oath revealed that he had done so on the Saturday, when he received his week's rations. In the light of this statement, the Colonial Secretary strongly questioned the rationale in providing a week's rations at one time, "which I consider an invitation to the prisoner to abscond". Roderic O'Connor, Inspector of Roads, answered that there was no practicable alternative, given the want of storekeepers. Moreover, he argued, where they were only supplied one meal at a time, "still that does not prevent them from absconding". See Letter of Police Magistrate, Spring Bay, 22 September 1833 to Chief Police Magistrate, Hobart, and official annotations, CSO 1/566/12637.

<sup>96</sup> Journal of James Sutherland, 25 March 1826, NS 61.

<sup>97</sup> *Ibid.*, 26-27 March 1826. 619 Thomas Brown, *per Competitor*, had been assigned to Sutherland soon after his arrival in August 1823, arriving at Rothbury, Sutherland's farm, 8 August that year. He latterly gained his Certificate of Freedom 14 September 1829.

<sup>98</sup> Deposition of John Maldrett, 25 May 1835, LC 83/1.

In other instances, the rejection of authority was more dramatic, and more violent. Rather than attempting to merge into free society, some of those who absconded from penal society, be it from places of secondary punishment or from assignment, threw themselves openly against the authorities in the colony. Byrne has argued that revenge attacks by New South Wales convict bushrangers, on former employers, were less common than might be supposed.<sup>99</sup> In the instance of the bushranging raids on the property of the McLeods in 1829, however, the connection between raiders and their victims was that of master and former-servant. Ill-treatment was not only cited by the prisoners in their defence, but also stated in newspaper coverage of the affair. The staunchly emancipist *Launceston Advertiser* stated in an editorial prompted by the emerging details of the McLeods' treatment of their servants; "What we hear of their hardships is almost enough to draw pity from stones".<sup>100</sup> In a subsequent edition, the *Advertiser* carried the reported statement of the gang that, "starvation and ill-usage had driven them into the bush, and that Mr. McLeod had hired them ... with the farm of Talisker like so many slaves".<sup>101</sup> The connection between the bushrangers' actions and their suffering under McLeod's employment were plainly relational in the understanding of the editor, and, it can be assumed, in that of many of the readers of such a newspaper as the *Advertiser*.

Violent confrontation such as that met by McLeod was not the most common form of response by convicts to their masters' authority. Yet the potential for violence underscored relations between employers and their assigned convicts. Employers could only guess at the loyalties of the servants on their properties. As this chapter has suggested, the resort to armed conflict was but one aspect of convict resistance. Strategies of resistance as diverse as neglect of work and arson provided convicts with equally diverse modes of agency in the changing balance of power between assignees

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<sup>99</sup> P.J. Byrne, *op. cit.*, pp. 132-33.

<sup>100</sup> *Launceston Advertiser*, 3 August 1829.

<sup>101</sup> *Launceston Advertiser*, 7 September 1829.



and their masters. Masters had, it has been seen, a number of strategies to extract labour from their servants, but as this chapter demonstrates, convicts too had a broad range of responses that allowed them to negotiate or even challenge the basis and nature of this power. When the balance failed, when masters failed to concede anything to the convicts' assumed rights, or limitations on the extent of their duty, the conflagration of bushranging was liable to erupt. In measuring the success of such strategies it is certainly true that immediate gains were often counter-balanced by the punishments brought about by masters. That the threat of convict action existed, however, can be understood as important in tempering the settlers' extraction of convict labour and tight management of their living conditions.<sup>102</sup> Convict resistance, however, cannot simply be encapsulated within such an understanding. Perceived more broadly still, it should be recognised that convict resistance also drew upon social patterns in convict society. If not always in the act itself, then in the subsequent imaginings and tellings, resistance became collective. Acts that denied the atomisation of penal control also served as forms of resistance, from intimate relationships, to simple social acts of shared illicitly acquired food or drink.<sup>103</sup> Examination of convict recreational and intimate lives in chapters six and seven suggests that the debate on convict resistance must also extend into culture, if the nature of this challenge to authority is to be fully apprehended.

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<sup>102</sup> E.P. Thompson, "The moral economy of the English crowd", p. 120. Thompson offers the useful counterfactual question of how much worse may the situation have been, had not the threat of protest existed.

<sup>103</sup> M.L.M. Kay and L.L. Cary, "'They are indeed the constant plague of their tyrants'", pp. 38-39. Kay and Cary argue that, "sustaining religiosity and expansive, powerful marital, familial and communal ties", formed an important element of slave resistance. Equally, it can be considered that these social bonds were important in convict society.

## Chapter 5

### **“A premium and a stimulus to crime”?<sup>1</sup>: the Material Conditions of Rural Assignment**

Contemporary commentators in the colony frequently argued that the assigned convict was in a particularly favourable position in Van Diemen's Land. Such an opinion was succinctly put by Edward Curr, “In a word, the men are fed, and clothed, and provided for, while the master is a prey to care and perplexity”.<sup>2</sup> Convict servants in the colony, it was argued, were in a better situation than their free counterparts in England.<sup>3</sup> A more nuanced understanding, demonstrating a greater knowledge of prevailing conditions in Britain, was provided by Assistant Surgeon John Russell:

to some it [assignment] may be very good, and to some it may be a very great punishment ... If a man has been a labourer before and was very badly off in England, particularly in Ireland, and he obtains a tolerably good master in the colony, I think him better off; he is better fed and clothed than he had been in his former condition.<sup>4</sup>

Assigned prisoners themselves were often less impressed by their provisions; fourteen assignees absconded from Joseph Archer's service on 30 November 1835, and laid a complaint against their master for not having had their rations.<sup>5</sup>

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<sup>1</sup> J. Bishcoff, *Sketch of the History of Van Diemen's Land and an Account of the Van Diemen's Land Company* (London, 1832; edition used, Adelaide: Libraries Board of South Australia, 1967), p.75.

<sup>2</sup> E. Curr, *An Account of the Colony of Van Diemen's Land* (London: George Cowie, 1824), p. 120.

<sup>3</sup> H. Widowson, *Present State of Van Diemen's Land* (London, 1829), pp. 61-2; *BPP* 1837 XIX, Evidence of Rev. John Dunmore Lang, 30 May 1837, p. 226. Lang stated “He [the assigned man] is better clothed, and better fed, and as comfortably lodged, as the labourer in England; he is under personal restraint, not being allowed to leave his master's property without a pass; but he has a great many comforts, which may render his situation by no means either irksome or severe”. While Rev. Lang gave evidence on New South Wales his comments translate equally well to Van Diemen's Land.

<sup>4</sup> *BPP* 1837-38 XXII, Evidence of John Russell, 19 February 1838, p. 54.

<sup>5</sup> 963 Horatio Collins, *Lady Harewood*; 1314 Charles Crabb, *Lord Lyndcch*; 1677 William Courcher, *Moffat*; 940 John Mann, *Elizabeth*; 605 Thomas Rogers, *Princess Charlotte*; 980 George Russell, *Arab* (2); 1533 James Shields, *Katherine Stewart Forbes*; 1986 Joseph Seale, *Waterloo*; 592 Robert Taylor, *Larkins*; 787 Samuel Wilcox, *Lord Lyndoch*, Con 31. The men's complaint was dismissed as ‘frivolous & vexatious’. For absconding and lodging the complaint Collins and Flack each received 50 lashes; the other men were admonished by the Magistrates.

Despite the clear importance of convicts' rations, housing and clothing, and the attention paid to them by contemporaries, historians formerly gave them limited attention. A.G.L. Shaw believed that if initially conditions for assigned men were harsh, then they were little better for their masters. Nor was it, he argued, in the settlers' interest to make the assignees' position unduly hard if they were to extract labour successfully from them.<sup>6</sup> John Hirst gave assignees' conditions somewhat fuller investigation, exploring the role of diet in power relations between master and convict servant, and recognising the social importance of convict housing.<sup>7</sup> Stephen Nicholas has provided perhaps the most important examination of diet, emphasising the nutritional content of the convict ration, and comparing the diet to that of other contemporary groups.<sup>8</sup> These studies, however, offer only a fragmentary understanding of the conditions of rural assignees. Nicholas principally examines the experience of convicts in government labour in New South Wales, while neither Shaw nor Hirst convincingly or extensively attempts to reconstruct the convict's material conditions in their discussions. This chapter investigates the evidence describing assignees' material conditions, and explores not only the quality of their housing, diet and clothing, but considers also the social importance of these factors, and their role in rural power relations.

In 1826 Government regulations in Van Diemen's Land set the ration for assigned convict servants at 10 1/2 pounds of meat, 10 1/2 pounds of flour, 7 ounces of sugar, and 2 ounces of salt per week.<sup>9</sup> This scale remained extensively unchanged during the period of this study, being restated in 1834 as 10 1/2 pounds of flour, 10

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<sup>6</sup> A.G.L. Shaw, *Convicts and the Colonies; A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London: Faber and Faber, 1966), pp. 220-24.

<sup>7</sup> J.B. Hirst, *Convict Society and its Enemies; A History of Early New South Wales* (Sydney: Allen and Unwin, 1983), pp. 40-44, 47-51 and 51-55.

<sup>8</sup> S. Nicholas, "The care and feeding of convicts", in S. Nicholas (ed.), *op. cit.*, pp. 180-196. Nicholas' chapter also discusses housing, and clothing but not in such detail.

<sup>9</sup> *Historical Records of Australia*, ser. III, vol. V, p. 465.

1/2 pounds of meat, and 6 ounces of sugar.<sup>10</sup> Stephen Nicholas' analysis of similar rations has shown that such a diet provided the convict labourers with sufficient calories for the work required of them.<sup>11</sup> R.B.Walker and D.C.K.Robert's study however, suggests that convict diets, lacking in vegetable and dairy foods, were deficient in important nutrients, particularly vitamin C and vitamin A.<sup>12</sup> Indeed it might be noted that pastoral workers of the 1870s, living on a similar diet of mutton, damper and tea, not uncommonly suffered from 'Barcoo rot', which was identified by doctors as scurvy.<sup>13</sup> Scurvy was not a noted problem among assigned convict labourers in Van Diemen's Land, although it was found in the road gangs and penal stations, where the diet was more strictly controlled.<sup>14</sup>

There are certain important cautions that should be noted in considering this type of analysis. Nicholas conceded that there was probably a good deal of regional and seasonal variation in the ration that was obscured in his use of the official scale.<sup>15</sup> More substantially, Walker and Roberts argue that the use of modern data on the

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<sup>10</sup> CSO 1/641/14418, Letter of R. O'Connor and Josiah Spode to Lieutenant-Governor Arthur, 7 April 1834.

<sup>11</sup> Nicholas found that a convict diet of 10 1/2 pounds meat (mutton), 10 1/2 pounds flour, 1 1/2 pounds sugar and 1 pound rice provided an upper limit of 4,903 calories. See S. Nicholas, *op. cit.*, pp. 184-86. Maxwell-Stewart argues that convicts at Macquarie Harbour penal station consumed a diet yielding on average 3000 calories per day. While this exceeds the recommended minimum cited by Nicholas of 2762 calories per day, given the requirements of heavy labour it is clear that convict agency in supplementing this allowance was important. Assigned convicts demonstrated similar agency in supplementing their diet. See H. Maxwell-Stewart, 'Convict Workers, 'Penal Labour' and Sarah Island: Life at Macquarie Harbour, 1822-34', in I. Duffield and J. Bradley (eds), *op. cit.*, p. 153. In their critique of Nicholas' methodology, Raymond Evans and Bill Thorpe questioned the 'naive' belief in official accounts and evidence, urging instead increased attention to qualitative evidence. More specifically, Evans and Thorpe draw attention to 'convict voice' qualitative evidence - the complaints of prisoners against being supplied 'short-weight'. Sources of qualitative evidence, however, tend to support the suggestion that the diet of rural assignees was more than nutritionally adequate. See R. Evans and W. Thorpe, "Power, punishment and penal labour: *Convict Workers* and Moreton Bay", *Australian Historical Studies*, 25 (1992), pp. 93-99.

<sup>12</sup> R.B. Walker and D.C.K. Roberts, "Colonial food habits 1788-1900", in A.S. Truswell and M.L. Wahlquist (eds.), *Food Habits in Australia* (Richmond: Heinemann, 1988) , pp. 42-44.

<sup>13</sup> *Ibid.* , pp. 53-4.

<sup>14</sup> J.Backhouse, *A Narrative of a Visit to the Australian Colonies* (London: Hamilton Adams and Co., 1843), pp. 55 and 226; see Letter of Assistant Surgeon Gavin Casey, 12th November 1834 and letter of Assistant Surgeon of Richmond District, 14th October 1834, CSO 1/641/14418.

<sup>15</sup> S.Nicholas, *op. cit.*, p. 187.

composition of foodstuffs has tended to over-estimate the calorific and nutritional value of the ration. Such tables assume that food was in a uniformly acceptable condition, and make no allowance for tough, low quality meat, or coarse, indigestible flour.<sup>16</sup> F.B. Smith noted in his study of diet in nineteenth-century Britain that quality was of at least equal significance as quantity in assessing the value of food intake.<sup>17</sup> In a ration of 10 1/2 pounds of meat it cannot be assumed that all of this weight was fit for consumption; at least some part of it may have been bone, or otherwise inedible. Alexander Harris made such an observation in *Settlers and Convicts*: "In short, instead of a ration of 8 lbs. of meat with 2 lbs. of bone, they had 8 lbs. of bone and 2 lbs. of meat".<sup>18</sup> Storing provisions may have posed particular problems for convict servants. Edwin Chadwick's report on the condition of the working class in Britain noted the great difficulty the urban poor experienced in keeping food in edible condition:

Meat sold on a Saturday night in hot weather to poor people, who have only one clean room, in which they sleep, and live, and cook, will certainly turn before the Sunday morning ...there is a great deal of loss of meat in consequence of the want of ventilation and bad condition of the dwellings of the poorer classes.<sup>19</sup>

Assigned servants had no better storage facilities in their huts, and the colonial climate only contributed to the problems of holding fresh meat, a difficulty remarked upon by Surgeon Mountgarret. The rations, he wrote, "are frequently thrown away by being fly blown before they can be used. The meat here will not keep three days in the summer".<sup>20</sup> Peter Murdock stated that he supplied his convict servants' meat daily,

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<sup>16</sup> R.B. Walker and D.C.K. Roberts, *op. cit.*, p. 42.

<sup>17</sup> F.B. Smith, *The People's Health 1830-1910* (London: Croom Helm, 1979), p. 203.

<sup>18</sup> Alexander Harris, *Settlers and Convicts; Recollections of Sixteen Years' Labour in the Australian Backwoods* (London, 1847; edition used Melbourne: Melbourne University Press, 1986), p. 186.

<sup>19</sup> M.Flinn (ed.), *Edwin Chadwick, Report on the sanitary condition of the labouring population of Great Britain, 1842* (Edinburgh: Edinburgh University Press, 1965), p. 197.

<sup>20</sup> Examination of Surgeon J. Mountgarret, 1820, *HRA*, ser. III, vol. III, pp. 419-20.

but it is not clear that this was generally the case, and in the case of more remote stock men, can not have been so.<sup>21</sup>

Poor preparation of food may have been a further cause of health problems, and the degradation of the quality of the ration. While he stated that the allowance to assigned servants was greater in quantity than the diet of many workers in England, James Backhouse noted: "when without vegetables, and cooked in a frying-pan or made into 'damper', which are wasteful methods of preparing food, it is not sufficient to satisfy the appetite of many prisoners".<sup>22</sup> Indeed, it may have been that many men transported to the Australian colonies had not previously been accustomed to the habit of preparing their own food: Joseph Mason noted on his arrival to New South Wales in 1831, "a fresh species of work devolved upon me ... I had to cook my own victuals rather than do which in England I would have gone without one meal at any time".<sup>23</sup> Inadequate cooking of rations, which were often eaten raw or partly cooked, had been identified as an important cause of disease among slaves in Barbados in a report of 1812. Even were the food cooked thoroughly, pickling or curing, and then over-boiling or frying were detrimental to the nutritional value of the food.<sup>24</sup> It seems plausible that similar difficulties would have affected the convict population. Adulteration of foodstuffs was a common problem in nineteenth-century Britain, and it is probable that there was some adulteration of issues of food to convicts, particularly of dry goods such as flour and sugar, either by masters attempting to curb the expense of feeding their workers, or retailers profiting at the settlers' expense.<sup>25</sup>

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<sup>21</sup> BPP XXII 1837-38, Evidence of Peter Murdock, 22 March 1838, pp. 120-21.

<sup>22</sup> J. Backhouse, *op. cit.*, Appendix F, liv.

<sup>23</sup> D.Kent and N. Townsend (ed.), *Joseph Mason, Assigned Servant 1831-37* (Carlton: Melbourne University Press, 1997), p. 43. While this may appear remarkable, it was perhaps quite usual for a young man to go from home and his mother's care, to a live in work situation where his food was provided, or else to move in with a woman who cooked for him, and never to have gained extensive experience of cooking for himself.

<sup>24</sup> B.W. Higman, *Slave populations of the British Caribbean, 1807-34* (Baltimore: Johns Hopkins University Press, 1984), p. 216; K.F. Kiple, *The Caribbean Slave; A Biological History* (Cambridge: Cambridge University Press, 1984), pp. 82-3.

<sup>25</sup> P. MacFie, "Dobbers and cobbers: Informers and mateship among convicts, officials and settlers on

While the consideration of such factors implies a need to revise downwards the estimates of convicts' nutrition, there is evidence to suggest that the actual diet of assigned convicts employed on farms was rather in excess of the government scale, in terms of variety as well as quantity. There is little evidence to suggest severe health effects resulting from the diet, although convict health and medical care is an area that has not yet received thorough examination in the historiography. The markedly low recorded incidence of scurvy among assigned convicts suggests that they had access to fruit or vegetables. Assigned servants supplemented their diets with these items through both legitimate and illegitimate avenues. In many cases masters did allow their labourers fruit and vegetables in addition to their general ration. James Sutherland recorded in his diary that he issued his convicts with potatoes occasionally, while James Gordon reported to the Bigge Enquiry that his assigned servants had their own potato yard.<sup>26</sup> Indeed, masters not uncommonly fed their servants beyond the scale established by the government regulations. Sutherland claimed that he issued to his servants 11 or 12 pounds of meat, 11 or 12 pounds of flour, one pound of sugar and two ounces of tea, which clearly exceeded the minimum ration.<sup>27</sup> While it is possible that Sutherland was guilty of exaggeration, overstating the allowances in order to suggest his own largesse, this was noted in a private, and at times intensely personal journal.<sup>28</sup> Another employer stated that he gave each of his men three pints of

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the Grass Tree Hill Road, Tasmania 1830-50", *Tasmanian Historical Research Association Papers and Proceedings*, 35 (1988), p.121. McFie notes the adulteration of wheat flour with maize meal by a contractor supplying the public works in 1835. This produced an outbreak of diarrhoea among the convicts - the Colonial Surgeon latterly pronounced the flour unfit for use. It seems probable that this was not an isolated occurrence in the colony.

<sup>26</sup> Journal of James Cubbitson Sutherland, 28 August 1824, NS 61; Examination of J.Gordon, 1820, *HRA*, ser. III, vol. III, p. 250.

<sup>27</sup> NS 61, Journal of J.C. Sutherland, 28 August, 1824.

<sup>28</sup> Sutherland's journal is a remarkable record of settling in the colony 1822-30. In addition to recording agricultural operations and the development of the property, Sutherland also wrote of his grief at the loss of his daughter, who was scalded and died after several days of suffering. This forms the most intimate section of his writing, but in other sections he equally frank in expressing joy, anger and distress on paper. It seems implausible that he imagined laying such thoughts open to public scrutiny. See Journal of J.C. Sutherland, 20 March - 8 April 1827 [scalding and death of Mary Ann Sutherland], see also 25 December 1825, and 21 May 1824, NS 61.

milk daily, adding that “this is the lowest calculation, as the convict servants are rarely ever put on a ration and in most services receive as much as they can eat”.<sup>29</sup> The character of a master's farming enterprise may have commonly affected a convict's ration; Peter Murdock's assignees on his dairy farm at Broadmarsh received, “a quarter of a pound of skim-milk cheese daily, made on the farm, very good”, in addition to their other allowances.<sup>30</sup> Sutherland's convicts also received a Christmas dinner from their master in 1825, consisting of an extra joint of meat to roast, a pudding and a bottle of rum, and this practice was common among other employers.<sup>31</sup>

In attempting to assess the nutrition of convict diet it is mistaken to discount the agency of the convicts themselves in securing adequate food, and in adding important variety to their diet. In March 1836 convict James Giltrow appeared on a charge of stealing potatoes, his overseer stating in evidence:

This morning I observed some prints of feet in the potatoe [*sic*] garden, they were the prints of the prisoners feet I can swear because he runs down his left shoe - three roots of potatoes had been taken up and the potatoes carried away - I afterwards went into the mens hut and found that they had some scrap with potatoes in it - the men are not allowed potatoes.<sup>32</sup>

Giltrow's footprint was subsequently matched to those at the scene. He was sentenced to twenty-five lashes, and three days confinement on bread and water. Joseph Archer's assigned servant John Douglas had similarly received a sentence of six months' labour in irons for the theft of a bushel of potatoes from his master in 1830.<sup>33</sup> Henry Kelly absconded from his master's farm in 1839, returning the same

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<sup>29</sup> Examination of R. Gavin, 1820, *HRA*, ser. III, vol. III, pp. 360-61.

<sup>30</sup> *BPP* 1837-38 XXII Evidence of Peter Murdock, 22 March 1838, pp. 120-21.

<sup>31</sup> Journal of J.C. Sutherland, 25 December 1825, NS 61.

<sup>32</sup> Deposition of James Cummings, 1 March 1836, LC 362/3.

<sup>33</sup> 370 John Douglas, *Lady East*, 9 March 1830, Con 31, “Having on the 28th Feby. last in his Master's garden feloniously taken and carried away a bushel of Potatoes value 5/- the goods & chattels of his said master”.



day with a quantity of stolen carrots and turnips, the origin of which his master was at a loss to explain.<sup>34</sup> Fruit was also targeted by convict servants. Two of William Archer's assigned servants were apprehended in April 1836 for stealing apples from their master's trees. Their overseer reported that "this morning about half past twelve o'clock I saw the two prisoners in my masters garden they had each a bag of Apples on their shoulder - they had their shoes off - I took them into custody - they had about a bushel and a half of Apples".<sup>35</sup> Other staple items of food were stolen by convicts. John Baker received 50 lashes in 1833 for having three pounds of mutton fat in his possession for which he could not account, Richard Gilman was sentenced to Port Arthur penal station in 1834 for having a quantity of illicit mutton and mutton fat in his hut on James Cox's property, and Thomas Freeman was also sentenced to Port Arthur in 1833 when 54 pounds of mutton were found in his possession.<sup>36</sup> Thomas Wells was apprehended by his master while attempting to steal tea and sugar from his stores. His master John Christie stated before the magistrate that "I heard a knocking at my store door, I went to see what it was and saw the prisoner knock the Padlock off - he entered the store; I followed him and saw him standing between a chest of tea & a bag of sugar - I took him in charge before he had had time to take anything".<sup>37</sup> Charles Wilkinson was accused by his master, W.E. Lawrence, of stealing eggs. John Robinson, Lawrence's superintendent described the incident to the bench:

I saw the prisoner in the Farm Yard he had something white in his hands which I supposed were eggs / As I have reason for believing he

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<sup>34</sup> Deposition of Thomas Jolly, POL 486 c. 1839-40, [Individual depositions in this series are undated].

<sup>35</sup> Deposition of Robert Senior, 8 April 1836, LC 362/3.

<sup>36</sup> 1375 John Baker, *David Lyon*, 31 July 1833, Con 31, "Having in his possession 3 lbs. of Mutton Fat & not being able satisfactorily to account for how he came by it"; 412 Richard Gilman, *Lady East*, 2 July 1834, Con 31, "Having a quantity of Mutton and Mutton Fat in his Hut and not being able to give a satisfactory account of how he came by it and with gross prevarication in his statements respecting the same"; 427 Thomas Freeman, *Royal George*, 12 July 1833, Con 31, "Gross misconduct and disobedience of orders in having 54 lbs. of Mutton Fat in his possession & not being able to give a satisfactory account of how he came by it".

<sup>37</sup> Deposition of John Christie, 31 March 1836, LC 362/3.

is in the habit of Pilfering eggs/ I spoke to him shortly afterwards - I asked him what he was going to do with those eggs - he said 'What eggs'.<sup>38</sup>

Poaching and fishing also provided convict servants with the opportunity to improve their diet. When Edward Burke's overseer went looking for him he was not to be found. As the overseer later recalled 'the men said he was gone fishing - I went twice during the day afterwards - I did not see him and the men still said he is gone fishing'.<sup>39</sup>

Food thefts do not necessarily relate to hunger or shortages. In the instances above it is evident that not all the thefts could have been for personal consumption; the quantities involved defy such an explanation. Food and drink offered one of few areas of pleasure in assigned convict life; indeed the consumption of proscribed or illicit items could be a liberational experience. Understanding food to have a value as not only a necessary item of sustenance, or a form of payment, but as a desirable item of consumption in itself, allows a fuller comprehension of some instances of food theft. It can be argued that a black market for food existed in the colony. It seems unlikely that John Douglas had stolen an entire bushel of potatoes to satisfy his own needs, and inconceivable that Thomas Freeman had acquired 58 pounds of mutton, which represented perhaps two carcasses, to fill his own belly. Indeed, it is of particular significance that Thomas Freeman had initially been transported from Wiltshire in 1830 for a conviction of sheep stealing, and that his occupation, stated to be a farm labourer and butcher, provided him with both the opportunity and the skill to act as a supplier in the illicit meat trade.<sup>40</sup> An opportunity, it can be considered, he took again when assigned to rural labour in the colony. Convicts may also have engaged in hunting kangaroo in order to sell the meat. In May 1828 John Birchall gave his

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<sup>38</sup> Deposition of John G. Robinson, 29 September 1836, LC 362/3.

<sup>39</sup> Deposition of William Brighton, 30 March 1836, LC 362/2 .

<sup>40</sup> 427 Thomas Freeman, *per Royal George*, Con 23 and Con 31.

convict servant Frederick Reader permission to go into the bush for this purpose. Reader did not return at nightfall as expected, and five days later three of his kangaroo dogs came back to the property alone. Birchall supposed his assignee to have been killed by natives and reported this to government. It later emerged, however, that Reader had not been killed, and after twelve days he appeared at Swanport on the coast, and was taken to Hobart.<sup>41</sup> Birchall may have sent Reader to hunt kangaroo to supplement the diet on the property. As the initial permission was given on a Sunday it is perhaps more likely that this activity was conducted on Reader's initiative, rather than at his master's request. Further, that Reader had kangaroo dogs, dogs identified by Birchall as being for the purpose of hunting kangaroos, indicates that this was not an isolated incident. If Reader was hunting and selling kangaroos while assigned to John Birchall, then this opportunity was not approved of by the Colonial Secretary, and Reader was subsequently removed from Birchall's service.

The employers' statements respecting their assigned servants rations should certainly be taken with caution. Nevertheless, taken in combination with the convict culture of food theft and acquisition, the evidence does indicate that the diet of convicts was adequate, and compared favourably with that of their contemporaries in Britain. British rural labourers' diets varied regionally, but generally fell below the standard of rationing in the Australian colonies. Meat was not a large or universal feature of the British labouring diet. Rural workers in southern Scotland subsisted on a diet that drew mainly on meal, potatoes, kale and milk, with only a little salted pork or mutton.<sup>42</sup> Urban diets were characteristically poorer; factory workers in the burgeoning industrial towns consuming a diet of tea, bread, potatoes and lard or bacon.<sup>43</sup> Meat was less common in the town than in the rural diet, and what was

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<sup>41</sup> Information of John Birchall, 3 June 1828, CSO 1/281/6766.

<sup>42</sup> M. Robson, 'The Border farm worker', in T.M. Devine (ed.), *Farm Servants and Labour in Lowland Scotland* (Edinburgh: John Donald, 1984), p.77.

<sup>43</sup> J. Burnett, *Plenty and Want; A Social History of Diet in England* (London: Methuen, 1966), p. 44.

available was often of the very lowest character. The trade in cheap offal, and diseased and old meat thrived among the poorer inhabitants of the towns and cities.<sup>44</sup> Friedrich Engels recorded a damning portrait of the contemporary food markets of the urban working class:

The potatoes which the workers buy are usually poor, the vegetables wilted, the cheese old and of poor quality, the bacon rancid, the meat lean, tough, taken from old, often diseased cattle, or such as have died a natural death, and not fresh even then, often half decayed.<sup>45</sup>

Contemporary commentators remarked on the transported convict's diet in comparison to that of the working class in Britain, describing the convict's condition as a "premium and a stimulus to crime".<sup>46</sup> Such complaints led to enquiries in the colonies. One such board of enquiry, prompted by the production in England of a table comparing the apparently generous convict ration to that of soldiers, labourers, parish poor and persons in gaol, concluded that "It is true that the Maximum daily allowance to an assigned servant cannot be controlled altogether by the government".<sup>47</sup>

That assigned convicts were supplied with rations at this level can be explained by reference to the moral economy of rural convict labour. As Nicholas argues, it was in the rational convict master's interests to feed his servants well in order to extract labour from them; a sick or malnourished convict was not an efficient labourer.<sup>48</sup> Rations for assigned servants were, however, clearly often in excess of subsistence levels, and their allowances often included petty luxury non-food items such as tobacco. Diet was more than a matter of maintaining convict labourers; it was an

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<sup>44</sup> F.B. Smith, *op. cit.*, p. 203.

<sup>45</sup> F. Engels, *The Condition of the Working Class in Britain* (Berlin, 1845; edition used London: Penguin, 1987), p. 104.

<sup>46</sup> J. Bischoff, *op. cit.*, p. 75.

<sup>47</sup> Report of the Committee into Convict Rations, 6 October 1834, CSO 1/641/14418.

<sup>48</sup> S. Nicholas, *op. cit.*, p. 195.

essential tool of discipline. As we have seen, convicts in rural labour were in a position materially to damage their masters' interests, whether through dereliction of duty or wilful destruction, and an improved ration was used as an incentive payment in the management of assigned servants. One settler remarked that the scale of rationing was a result of:

The difficulty that is experienced by the settlers in compelling and enforcing the labour from the convict servants, their distance from Magistrates and the expense and loss that is sustained by resorting to Hobart Town. To remedy this evil, the settlers are obliged to incur greater expense to encourage and induce their servants to work.<sup>49</sup>

Assigned convicts demanded the fullest extraction of their ration from the master. In some smaller establishments in Van Diemen's Land it was the practice to feed the assigned men at the master's table, a continuation of a system that existed in Britain.<sup>50</sup> This method of supplying the men provoked dissent from the convicts, as Widowson described:

I have heard of some settlers who, for a short time went upon the system of an English farm house, namely cooking what they deemed sufficient for the men servants, and then making them all dine together, but this practice only excited disaffection and grumbling ... the men would still declare they had not had 'their rights' as they termed it, merely because they had not seen the rations weighed.<sup>51</sup>

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<sup>49</sup> Examination of Mr. John Wade, *HRA*, ser. III, vol. III, p. 314.

<sup>50</sup> B. Short, "The decline of living-in servants in the transition to capitalist farming: a critique of the Sussex evidence", *Sussex Archaeological Collections*, 122 (1984), pp. 147-49; M. Reed, "Indoor farm service in 19th-century Sussex: some criticisms of a critique", *Sussex Archaeological Collections*, 123 (1985), pp. 225-230; A. Fenton, *op. cit.*, p. 205. This practice was perhaps more common in the 1820s, references to it occur chiefly in the earlier accounts of the colony. As agriculture became increasingly capitalised in the colony in the 1830s, so the spatial and social distance between convict servants and employers increased. In Britain the number of living-in servants declined in the first half of the nineteenth-century, reflecting social and economic shifts in farming. As in Van Diemen's Land, shared accommodation and provision of meals was a more general feature of smaller farms, where the gap between master and servant was less marked.

<sup>51</sup> H. Widowson, *op. cit.*, pp. 54-5.

Nor would convicts accept the substitution of ration items by others that cost their master less, or nothing at all. Kangaroo meat, although not uncommon at settlers' tables, or in the diet of convicts providing for themselves, was often refused by assigned men.<sup>52</sup> John McCartney refused a ration from his master of a sheep's head and pluck, or offal, although again such items were not uncommon in nineteenth-century plebeian diets.<sup>53</sup> When the price of tea in Hobart reached ten shillings a pound in 1825, James Sutherland decided to roast some wheat to issue to his men as coffee, much to their disgust, and the ration was rejected.<sup>54</sup> Convicts also protested against the quality of the items supplied to them, and they did have the entitlement to appeal to a magistrate on the condition of their ration. In order to do so, the convict required a pass from his master to leave the property and attend the Magistrate. It is probable that in many cases the masters simply denied their servants such passes. Where passes were not granted convicts sometimes absconded in order to lay their complaints, but under such circumstances they were unlikely to receive a positive hearing. Daniel Stanfield's convict servant William Piper absconded in December 1835 and complained that his ration of meat had been bad; his complaint was dismissed by the Magistrates as frivolous, and Piper was returned to Government labour.<sup>55</sup> Another interpretation of Piper's action is possible here; it may be that knowing the likely outcome of absconding to complain to the magistrate, he was actively engineering his

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<sup>52</sup> J. Atkinson, *An account of agriculture and grazing in New South Wales* (London, 1844), p. 43; J. Backhouse, *op. cit.*, Appendix F, page liv.

<sup>53</sup> Complaint against John McCartney, 23 November 1836, LC 362/3.

<sup>54</sup> While coffee consumption in nineteenth-century Britain did not challenge tea consumption, coffee houses were numerous, and from the 1820s street vendors of coffee became more numerous in London, suggesting a widening social constituency of coffee drinkers. Falling duties on coffee after 1824 resulted in a lowering of price. Even greater profits were made by vendors who adulterated their coffee, most commonly with chicory, and even cheaper still, with baked carrots. It is likely then that Sutherland's men had drunk coffee previously, and drunk bad, adulterated coffee. The rejection here was not only taste, but importantly value. See J. Walvin, *Fruits of Empire: Exotic Produce and British Taste, 1660-1800* (London: Macmillan, 1997), pp. 44-47; Henry Mayhew, *London Labour and the London Poor* (edition used Harmondsworth: Penguin, 1985), pp. 83-89.

<sup>55</sup> 675 William Piper, *Persian*, 22 December 1835, Con 31, "Leaving his Master's premises on the 21st inst. to make a frivolous complaint about the meat not being good".

return to Government labour. That William Piper may have acted in this way, is further evidence of the assigned convicts' ability to manipulate the system of employment.

In a number of cases assigned men brought by their masters before the magistrate on charges of indiscipline often sought to justify their behaviour by references to the poor quality or quantity of rations issued to them, framing their actions as a protest. Convict ploughman John Singleton was brought before the Police Magistrate at Longford on a charge of neglect of duty in May 1836. His overseer stated:

Yesterday at about two o'clock the prisoner was leaving his work, I asked him by whose authority he struck work as he prevented the rest of the men from working he being ploughing and the others picking up - he threw the plough out of his hands and said 'Damn and b----r your soul what do I care about you or any one else on the farm'.<sup>56</sup>

In his defence Singleton told the magistrate that "the ration of flour we received was smutty [mouldy] during the last week".<sup>57</sup> Singleton's appeal was unsuccessful, and he was sentenced to four months' hard labour.

Assigned servants also claimed time to prepare and eat their food. When James Brumby ordered convict William Johnson to go to work in July 1830, the convict refused, stating that "he would not go until he had his Breakfast".<sup>58</sup> Joseph Archer complained of his servant George Gibbons for deserting his work as a bird scarer in his fields. Archer had ordered Gibbons to "take his dinner in his hands and not to leave the ground for any time".<sup>59</sup> Gibbons however persisted in returning to his Hut to take his meal. James Giltrow demonstrated similar defiance in taking his time over

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<sup>56</sup> Complaint against 1839 John Singleton, 25 May 1836, LC 362/3.

<sup>57</sup> *Ibid.*

<sup>58</sup> Deposition of James Brumby, 27 July 1830, LC 362/2.

<sup>59</sup> Complaint against 537 George Gibbons and 391 William Travis, 27 July 1830, LC 362/2.

his breakfast, as James Cummings reported to the magistrate. He complained, "I called Giltrow this morning before Sunrise, as usual, in order that he might be at his work at sunrise - in a quarter of an hour after sunrise he was at his breakfast - I ordered him to go to work & not to return to breakfast - he did return to breakfast".<sup>60</sup>

The moral economy of food politics was not confined to individual properties; both master and servant compared their rations to those offered on other farms. When John Harbor complained against his master Thomas Walker for not giving him sufficient meat, he sought to justify his claims by stating that on a neighbouring property the men received fourteen pounds of meat, while he received only nine.<sup>61</sup> In contrast James Sutherland informed his servants that he fed them more generously than any other settler, as he recorded in his diary: "There were perhaps no settlers who followed my system of allowing my men an unlimited quantity of Beef three times a day, an unlimited quantity of flour, potatoes, soup - and the usual Tea & Sugar".<sup>62</sup>

Rations functioned as a *de facto* wage in the colony. As has been seen in chapter three rising food prices during the drought in 1834 led to masters' attempts to cut rations, and more significantly settlers sought to cut their assigned labour force. In this period the Van Diemen's Land press also campaigned for a change in rationing policy to ease the predicament of settlers, who, under the Government regulations, were required to supply wheat throughout the period of price inflation. In a lengthy editorial the *Colonial Times* argued that "the meat and the flour are the most expensive productions of the Island ... is a master to ruin himself - is the Colony to ruin itself by purchasing flour and meat from the foreigner".<sup>63</sup> A change in the Van Diemen's Land regulations was called for to permit the substitution of maize for wheat in the ration, as was the practice in New South Wales, thus cutting the cost to the employer. An

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<sup>60</sup> Deposition of James Cummings, 2 May 1836, LC 363/3.

<sup>61</sup> Deposition of Thomas Walker, POL 486 [individual entries in this series are undated].

<sup>62</sup> Journal of J.C. Sutherland, 23 August 1824, NS 61.

<sup>63</sup> *Colonial Times*, 2 September 1834.



enquiry into the rationing of convicts in the colony in late 1834 recommended that under prevailing conditions masters ought to be allowed to substitute one third of maize, meal, rice, pease or barley meal for an equal quantity of wheat flour.<sup>64</sup> Regulations published in November 1834 allowed also for the substitution of bread and potatoes, to off-set the shortage of meat, caused by the drought in the colony, the ration of which was cut to 3/4 lb. daily.<sup>65</sup> The extent of the reaction among settlers' employing convict labour, in the colonial press, and at government level indicates that diet is an indispensable ingredient in an understanding of the history of convict society.

Regulations regarding the accommodation of assigned servants are limited. Bedding provided for the convict servants was specified in government notices; the prisoner was to receive a palliasse, or mattress, stuffed with wool, two blankets and a rug.<sup>66</sup> These items remained the master's property, and were kept by him when the convict left his service.<sup>67</sup> The precise nature of the accommodation remained, however, generally unspecified; the requirement of 'comfortable lodging' allowed for a great deal of variety. In her study of convict assignment in the colony Ann Mackay argued that there was little extant evidence of convict housing, and it was difficult to gauge the quality of these lodgings.<sup>68</sup> Contrary to her findings, however, there are a number of contemporary accounts, and further evidence can be gleaned from incidental

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<sup>64</sup> Report of Roderic O'Connor, J. Macbraine and Josiah Spode, 22 October 1834, CSO 1/641/14418.

<sup>65</sup> *BPP* XIX 1837 Evidence of Colonel George Arthur, 27 June 1837, pp. 283-4.

<sup>66</sup> Government Notice, 30 September 1826, *HRA*, series III, volume V, p. 465.

<sup>67</sup> That these items remained the property of the master accounts, to some extent, for the number of charges brought against assignees for cutting up their blankets. It is not, however, completely apparent why blankets were cut up. It may have been an act of vandalism against the master, or to obtain cloth to repair clothing. In one case the intention appears to have been to throw suspicion onto another convict servant; see 521 Charles Bowles Lea, *per Manlius* (2), and 605 Thomas Rogers, *per Busorah Merchant*, Con 31. Both were charged 7 November 1831 with "Absenting himself from his Hut the whole of the night of 18th October last & subsequently abusing and ill treating his fellow servant Daniel Ellis for giving information of his misconduct also with maliciously cutting in pieces two new blankets and destroying a Tin Pot his masters property in the possession of the said Danl. Ellis". Lea was reprimanded for this offence, while Rogers was sentenced to twelve months' hard labour.

<sup>68</sup> A. Mackay, "The Assignment System of Convict Labour in Van Diemen's Land 1824-1842", unpublished M.A. Thesis, University of Tasmania, (1958), p. 65.

sources, which make it possible to describe the nature and development of assigned convict housing in the colony.

Early descriptions of rural buildings in Van Diemen's Land were critical. Edward Curr noted in 1824 that the farm in the colony did not resemble those of England. Rather, he stated, the house was often built of sods, logs, or mud, and thatched with straw. There might be a roughly constructed stock yard, and beyond this scatterings of loose wool, bones, sheep-skins, heaps of manure, and whatever implements the settler possessed.<sup>69</sup> Government Surveyor John Helder Wedge was similarly critical, describing his visit to Thomas Curling's farm near Cressy in his journal:

You here witness the comforts of an emigrant after two years residence in the Colony - Mr. and Mrs. C. and eight children in a Hut divided into one room, which serves for parlour, kitchen & dormitory - two years and such is the state of things in doors - nor can I perceive a greater forwardness in the business of the farm.<sup>70</sup>

In his account of the Australian colonies, originally published in 1826, James Atkinson recorded the poor condition of settlers' housing, and that of their assigned servants. Atkinson observed, however, that such buildings could not fairly be compared to those in Britain.<sup>71</sup> Farmhouses and outbuildings in Van Diemen's Land were inferior to those in Britain, where, by the 1820s, the beginnings of improvements brought by agricultural change were becoming visible.<sup>72</sup> In the young colony, buildings were, however, necessarily rather more makeshift in the early period

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<sup>69</sup> E. Curr, *op. cit.*, pp. 13-14.

<sup>70</sup> J. Crawford, W.F. Ellis, and G.H. Stancombe (eds.), *The Diaries of John Helder Wedge, 1824-35* (Devonport: Royal Society of Tasmania, 1962), p. 8, entry dated 19 February 1825.

<sup>71</sup> J. Atkinson, *An Account of Agriculture and Grazing in New South Wales* (London: Cross, 1844), pp. 48-49.

<sup>72</sup> N. Harvey, *A History of Farm Buildings in England and Wales* (Newton Abbot: David and Charles, 1970), pp. 76-80 and 159-63. Change was not even across Britain, and become more evident after 1840. The drive toward change in the late eighteenth and early nineteenth century is evident in the volume of contemporary writing on farm architecture; see S. Wade Martins, *Historic Farm Buildings* (London: Batsford, 1991), pp. 39-40.

of settlement. Locally available materials were used, and the priority was to erect shelter and such buildings as were necessary for the operations of the farm, as rapidly as possible, with little attention towards aesthetics; James Sutherland lived nearly two months in a tent upon taking up his land grant on the Isis river, before moving into the house he had built, along with his convict servants, in November 1823.<sup>73</sup>

In such circumstances it is unsurprising that the lodging of assigned servants tended to be basic, and varied from farm to farm. Commissioner Bigge recorded in his report in 1822 that on the larger estates the assigned men were housed in separate huts, while on smaller farms the convicts tended to be lodged with the employer.<sup>74</sup> As previously indicate, on farms where the convict servants were lodged separately, it was, in the 1820s, not uncommon for them to be fed at the master's table. Edward Kimberley, who held one hundred and forty acres on Clarence Plains, described the provision for his men in 1820:

Mine usually sleep in my barn; they are generally lodged in huts by themselves. They eat and drink with my family and so do those working for my sons. By this plan, they are comfortably under our eyes, and it saves a double expence of cooking, etc.<sup>75</sup>

As Kimberley conceded, however, it was more common for assignees to be placed in separate huts on the property.<sup>76</sup> Certainly this was the practice on the large properties

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<sup>73</sup> Journal of J.C. Sutherland, 7 October 1823 and 30 November 1823, NS 61. There is no mention of where the assigned men were housed at first, although they did move into the house with Sutherland afterwards. It is probable that they too were housed in a tent, or else some other form of temporary shelter.

<sup>74</sup> J.T. Bigge, *Report on the Colony of New South Wales* (London, 1822; edition used Adelaide: Libraries Board of South Australia, 1966), p. 77.

<sup>75</sup> E. Kimberley, evidence to the Bigge enquiry, 1 April 1820, *HRA*, series III, volume III, p. 362.

<sup>76</sup> While it became less common, the practice of assigned men living in appears to have persisted into the 1830s. In the account of Quakers J. Backhouse and G. Walker's travels in the colony between 1831-38, they describe the farm at Falmouth, where David Stead resided: "The dwelling occupied by D. Stead was superior to many of those in out-stations, but inferior to the houses of the generality of settlers; it was built of upright split timber, plastered inside, and divided to the height of the walls, into four apartments, a sitting room, bed-room, kitchen and store-room. The last only, was secured by a lock. The outer doors had no other fastenings than wooden latches, and the windows were of canvas stretched in frames in square openings. The kitchen was also the sleeping place of the prisoner-servants"; see J. Backhouse, *op. cit.*, pp. 144-45.

that are the focus of this study. Convict huts were built of various materials, according to what was readily available. Timber was frequently used; as many newly settled areas had to be cleared, wood was abundant. In his memoir of his experiences as an assigned labourer in New South Wales in the early 1830s Joseph Mason described the construction of a slab and bark hut, a form of building that was common also in Van Diemen's Land:

[T]hey are mostly built of slabs split out of the trees in the forest and set upright allowing about 6 inches to go into the ground and 6 or 7 feet above it [T]he sides or rather edges of the Slabs are sometimes trimmed a little with an axe or adze and sometimes not and as they are frequently put up green and shrink afterwards it is as common as otherwise to see crevices 2 and 3 inches apart between the two slabs [A] post is put into the ground at each corner of the hut and poles laid on them fastened down by wooden pins the tops of the slabs are nailed to these poles and then 6 or 8 rafters on a side are put up [S]ome large sheets of bark that is stripped from the trees an[d] tied to the rafters with strings of Green hide and thus the hut is completed with the exception of a fire place which is made of slabs also<sup>77</sup>

The wooden chimney was generally lined with clay or stones, in order to render it fireproof.<sup>78</sup> James Sutherland placed his convict labourers in a sod hut, the walls constructed of turf, with a shingle roof.<sup>79</sup> Graham Connah argues that sod walls were not as commonly built, and were less durable than slabs.<sup>80</sup> It might be considered that sod walls could be more rapidly erected, and did not represent the same investment of labour as slab walls. In this connection, however, it appears unusual that Sutherland went to the trouble of allocating labour to shingle the roof.<sup>81</sup> Buildings for convict

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<sup>77</sup> D. Kent and N. Townsend (eds.), *op. cit.* p. 43. Bark used for building was taken from stringy bark eucalypts, in sheets, and cured by smoking; see B.R. Davidson, *European Farming in Australia* (New York: Elsevier, 1981), p. 82.

<sup>78</sup> G. Connah, *'Of the hut I builded': The Archaeology of Australia's History* (Cambridge: Cambridge University Press, 1988), p. 65; D. Kent and N. Townsend (eds.), *op. cit.*, pp. 43-44.

<sup>79</sup> Journal of J.C. Sutherland, 15, 16, 19-20 and 31 April 1825, NS 61.

<sup>80</sup> G. Connah, *op. cit.*, p. 71.

<sup>81</sup> Shingle roofs were constructed of split wooden slabs, laid in the manner of slates. Preparing individual shingles was a skilled and time consuming task, as was laying them correctly. Connah argues that machine production of nails from the 1830s made shingle roofs more practicable; see G.

accommodation continued to develop in the colony towards the close of the assignment period. In the late 1830s in the Braidwood district of New South Wales, assigned convicts were housed in barrack buildings, consisting of a large room with a fireplace, and a sleeping loft above.<sup>82</sup> Similar brick built accommodation was constructed at Clarendon, the substantial stone built property of James Cox, where convict lodgings were built back to back with a stable block, in the 1830s (Plate 5.1). These buildings continued to be used beyond the assignment system of convict labour, and the accommodation at Clarendon was latterly inhabited by ticket-of-leave men, and free labourers.

Furnishing in convict accommodation was sparse, and is generally poorly documented. Aside from the mattress and blankets there was no formal requirement upon the master to supply any particular items to the servants on his property. Masters generally supplied some basic cooking and eating utensils to their assigned men.<sup>83</sup> The provision of items of furniture rested with the men themselves. Mason notes that it was preferable to construct a rough bedstead from timber slabs, than to sleep on the ground amid insects and snakes.<sup>84</sup> Convicts may also have constructed benches, or other rough furniture for their hut. John Richardson Glover's sketch of the interior of a convict servants' hut on the Glover property at Patterdale is an important image, offering a rare glimpse of convict accommodation; although the sketch is not particularly detailed, it suggests a roughly furnished interior (Plate 5.2). It is perhaps,

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Connah, *op. cit.*, p. 68. In the course of the latter nineteenth century sheet iron became the predominant roofing material.

<sup>82</sup> G. Connah, *op. cit.*, p. 53.

<sup>83</sup> Mason's journal refers to an iron pot and a frying pan for general use of the convict servants in their hut in New South Wales, and a billy provided to each man to boil his tea; see D. Kent and N. Townsend (eds.), *op. cit.*, p. 44. It seems probable that similar items were supplied in Van Diemen's Land. Deposition of James Rankin, 20 July 1833, refers to a frying pan in the mens' hut, CSO 1/670/14883; the charges against 521 Charles Bowles Lea, *per Manlius* (2), and 605 Thomas Rogers, *per Bussorah Merchant*, 7 November 1831, Con 31, detail the destruction of a tin pot, the property of their master in the possession of their fellow servant. Such provision is basic, but there can have been little reason for an employer to fail to provide necessary utensils to prepare and eat the ration he had also provided.

<sup>84</sup> D. Kent and N. Townsend (eds.), *op. cit.*, p. 44.

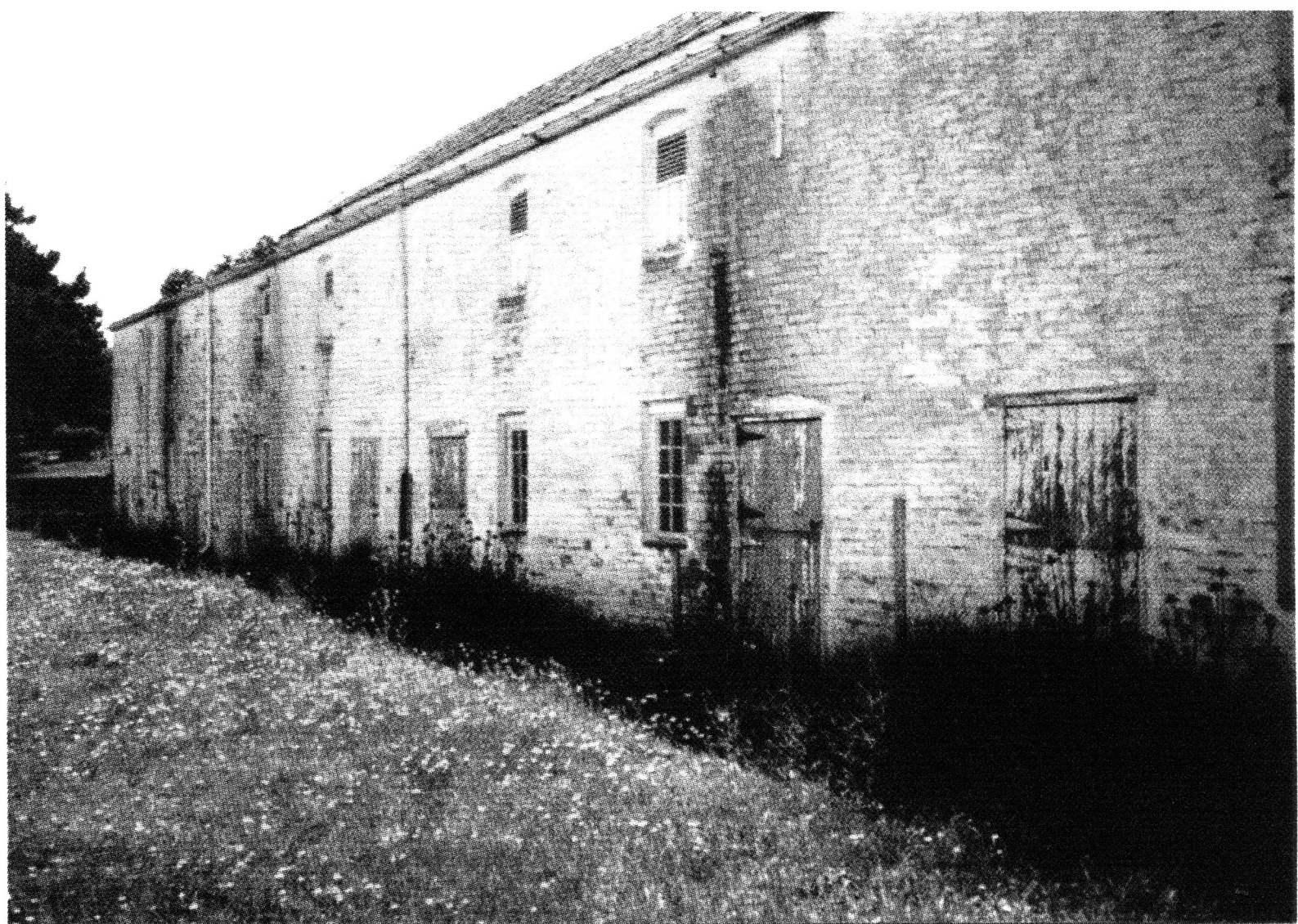


Plate 5.1 Convict accommodation, Clarendon. Author's photograph.



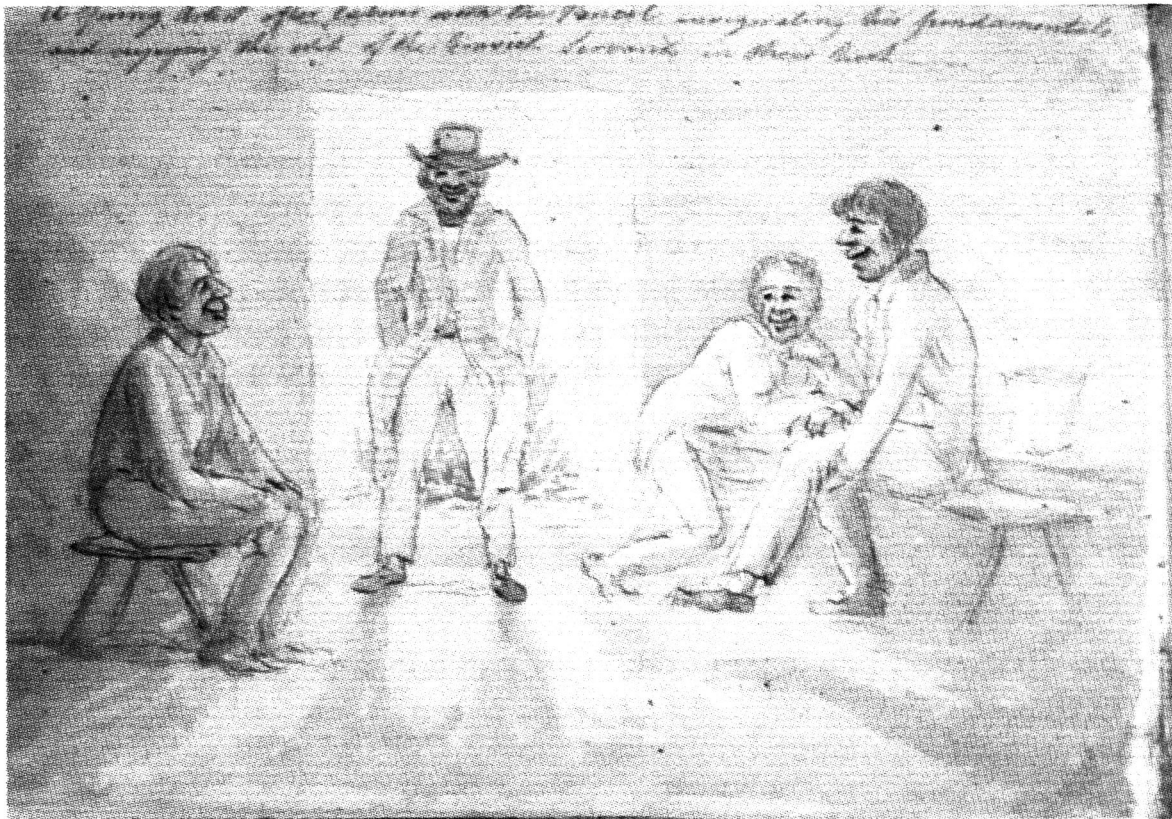


Plate 5.2 John Richardson Glover, *A Young Artist After Labour*, c. 1835.

Pen and ink wash drawing, 17.8 x 16.5 cm., Rex Nan Kivell Collection, NK 644/31, National Library of Australia. The caption above the drawing reads: A young artist after labour with the Pencil, invigorating his fundamentals and enjoying the wit of the Convict Servants in their Hut.

unlikely that the interior of the convicts' lodging ever exceeded a rough minimum of comfort, as masters would not invest heavily in the convicts' quarters, and assignees themselves would not have expended particular energies in improving their dwelling, as their period of service to any master could be terminated abruptly.

Contemporary observers were frequently critical of such convict lodgings.

James Backhouse wrote:

the accommodation of assigned servants are usually far removed from comfort. They generally live in huts constructed of logs, apart from the dwellings of their masters, having wooden shutters instead of windows, and inferior to the commonest stables in England; they are frequently so open to the weather, as only to be rendered habitable for human beings, even in the mild climate of V.D. Land, by means of large fires of the wood, with which the Island so universally abounds; they are generally untidy and dirty, and the sleeping accomodations are of the meanest kind.<sup>85</sup>

In his memoir Joseph Mason stated that English pig sties and cowsheds were "palaces compared with these little huts".<sup>86</sup> Yet, such condemnations require qualification. Nicholas concluded that convict housing in New South Wales exceeded the quality of accommodation of other contemporary unfree and indentured labour populations, and those in military service.<sup>87</sup> Nicholas principally considered convicts in government barrack accommodation, however, a situation that little equates to that of rural assignment.<sup>88</sup> Nevertheless, it can be argued that convict lodgings generally equalled, if they did not exceed, those of other unfree labourers. Furthermore, housing of rural assignees may have been better than that experienced by many labourers in Britain.

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<sup>85</sup> J. Backhouse, *op. cit.*, Appendix F, Report on the state of the prisoners in Van Diemen's Land, liv.

<sup>86</sup> D. Kent and N. Townsend (eds.), *op. cit.*, p. 45.

<sup>87</sup> S. Nicholas, *op. cit.*, pp. 189-91.

<sup>88</sup> *Ibid.* Nicholas concentrates on the stone and brick built barracks at Hyde Park, Parramatta, Windsor and Liverpool. He argues that these buildings offered high ceilinged and well ventilated accommodation, the men sleeping in hammocks in dormitories. Prevailing social conditions in these institutions may tend to qualify Nicholas' assessment, but the investigation of this lies beyond this study. Barracks did exist in Van Diemen's Land for the housing of men in Public Works, or awaiting assignment. It is clear, however, that conditions in rural assignment generally were not of this order.



Accounts of American plantation slaves' housing in the nineteenth century are fragmentary. Available evidence suggests a variety of quality and types of building were current, from three room brick cottages, to rude log cabins, consisting only of a single room.<sup>89</sup> The most common forms of housing were wood or brick cabins, either built singly, or built so that two joined at a single chimney wall.<sup>90</sup> Such buildings were roofed with wooden shingles, and divided internally into two rooms, a front parlour, and a second bed-room.<sup>91</sup> While these cabins at first seem more considerable than the one roomed convict slab huts, this was not necessarily the case. Furnishings in slaves' accommodation were equally basic; the master typically provided cooking utensils, and slaves not unusually had a bed, and perhaps a table and chairs, from the estate carpenter. A mattress stuffed with straw, or other locally available material, formed their bed, much as it did with convicts.<sup>92</sup> While the materials used in the construction of these cabins suggests some quality, McDonald argues that as it was the planters themselves that took responsibility for the building of them, they were often cheaply erected, lacking durability, and based on a flimsy design. Limited attention was also given to the maintenance of such housing.<sup>93</sup> Moreover, when considered in the local environment, such houses did not necessarily provide particularly good protection from the elements; slave accommodation in Louisiana was poorly adapted to the prolonged snow, rain, frost and gales of winter.<sup>94</sup> In the arguably milder climate of lowland Van Diemen's Land, the slab hut may have provided equal shelter. Nor were contemporaries blind to the faults of slave housing, noting persistent problems of

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<sup>89</sup> R.W. Fogel and S.L. Engermann, *Time on the Cross*, (London, Wildwood House, 1974), pp. 115-16.

<sup>90</sup> *Ibid.*, p. 116; R.A. McDonald, *The Economy and Material Culture of Slaves; Goods and Chattels on the Sugar Plantations of Jamaica and Louisiana* (Baton Rouge: Louisiana State University Press, 1993), p. 129.

<sup>91</sup> R.A. McDonald, *op. cit.*, pp. 130-31.

<sup>92</sup> *Ibid.*, pp. 138-39.

<sup>93</sup> *Ibid.*, pp. 132-33.

<sup>94</sup> *Ibid.*, p. 134.

damp, cold and draughts.<sup>95</sup> Despite these failings, Fogel and Engermann contend that such housing compared well to that of free labourers in America in the mid-nineteenth century; a similar comparison could validly be suggested for assigned convicts' housing.<sup>96</sup>

Contemporary descriptions of workers' housing in Britain suggest appalling conditions; one author describing working-class housing in Leeds wrote:

broken panes in every window-frame, and filth and vermin in every nook ... walls unwhitewashed for years, black with the smoke of foul chimneys, without water, with corded bed-stocks for beds, and sacking for bed clothing, with floors unwashed from year to year, without out-offices [privies] ... while without, there are streets ... undrained, unpaved [and] unventilated.<sup>97</sup>

Similar conditions are routinely described in many other early nineteenth-century accounts; writers reiterating complaints of insanitary and overcrowded housing.<sup>98</sup> While it is plausible that commentators emphasised the very worst of conditions to make their points convincingly, for much of the urban population housing conditions were of a low order. Housing in the growing industrial towns and cities was overcrowded, as a result of the need for workers to live near their works.<sup>99</sup> Back-to-back housing, rapidly constructed in many areas to accommodate the increasing urban population, was often badly constructed, on poor foundations, and using indifferent materials of unreliable quality.<sup>100</sup> Families often rented one room in existing tenement

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<sup>95</sup> *Ibid.*, p. 134.

<sup>96</sup> R.W. Fogel and S.L. Engermann, *op. cit.*, p. 116.

<sup>97</sup> M.W. Flinn (ed.), *Edwin Chadwick, Report on the Sanitary Condition of the Labouring Population of Great Britain, 1842*, p. 200.

<sup>98</sup> A.S. Wohl, "The housing of the working classes in London, 1815-1914", in S.D. Chapman (ed.), *The History of Working Class Housing* (Newton Abbot: David and Charles, 1971), p. 21.

<sup>99</sup> A.S. Wohl, *op. cit.*, p. 17; S.D. Chapman, "Working-class housing in Nottingham during the Industrial Revolution", in S.D. Chapman (ed.), *The History of Working Class Housing* (Newton Abbot: David and Charles, 1971), p. 150; J. Burnett, *A Social History of Housing 1815-1985* (London: Methuen, 1986), pp. 10-11.

<sup>100</sup> E. Gauldie, *Cruel Habitations; A History of Working Class Housing 1780-1918* (London: Allen and Unwin, 1974), p. 93; J. Burnett, *op. cit.*, p. 21.

buildings, having limited privacy, access to their room being often through those rented by others.<sup>101</sup> Cellar dwellings were commonly inhabited by the poorest sections of the population, among them many of the migrants that came to the towns from the countryside and from Ireland. Poorly lit, badly affected by damp and poor ventilation, such lodgings were of the lowest quality.<sup>102</sup> Those living in these types of housing had few furnishings, and limited material possessions.<sup>103</sup> Many migrant workers and those newly drawn to the towns lived in lodging houses, but due to the shortage of other available and affordable accommodation, these were resorted to by individuals and families for longer-term accommodation. Conditions that may have been acceptable in the short term, were more problematic when endured for an extended period of time; the overcrowded and insanitary conditions in lodging houses were frequently complained of by contemporary observers.<sup>104</sup>

Exceptions to such conditions did exist among the housing of the labouring populations. Those in prospering trades in the period may have been able to afford more comfortable lodgings, and improved furnishings.<sup>105</sup> For the majority, however, it can be argued that the experience of urban living was of high rents, overcrowding, dirt, and few comforts. Such living conditions had a clear health cost: disease was a persistent problem in densely populated and filthy housing and streets.<sup>106</sup> By comparison the housing of rural assignees in the colony appears preferable. The

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<sup>101</sup> J. Burnett, *op. cit.*, p. 64.

<sup>102</sup> J. Burnett, *op. cit.*, pp. 58-61; M.W. Flinn, *op. cit.*, pp. 104-105.

<sup>103</sup> S.D. Chapman, *op. cit.*, p. 151; A.S. Wohl, *op. cit.*, p. 21; E. Gauldie, *op. cit.*, pp. 96-98.

<sup>104</sup> J. Burnett, *op. cit.*, pp. 61-64; M.W. Flinn, *op. cit.*, pp. 414-415.

<sup>105</sup> Chapman argues that those in the Nottingham lace trade were able to secure significantly more comfortable accommodation than those in the framework knitting trade, and it seems plausible that similar differences could be observed elsewhere. See S.D. Chapman, *op. cit.*, pp. 147-51. A.S. Wohl argues, however, that miserable dwellings were not only the fate of the poorest labourers, but were inhabited by many skilled artisans; see A.S. Wohl, *op. cit.*, p. 22.

<sup>106</sup> G. Melvyn Howe, *Man, Environment and Disease in Britain* (Harmondsworth: Penguin, 1976), pp. 176-89. Typhus, tuberculosis and cholera were common diseases related to poor living conditions.

situation of convict huts in the bush removed assigned men from the insanitary conditions of town. McDonald has argued that on slave plantations where the slaves were not provided with privies, the build up of excrement in the areas surrounding their cabins could lead to complaints such as dysentery, bowel problems, and worms.<sup>107</sup> As convicts may not have had privies, it is possible that similar condition may have prevailed; it seems unlikely, however, that this could have reproduced to the same degree the conditions experienced in British towns. Dampness, which affected much poor urban housing may also have affected convict servants' lodging; the back wall of Sutherland's mens' hut fell in as a result of damp, and it might be surmised that under such conditions the interior would also have been affected.<sup>108</sup>

Rural labourers' housing in Britain offers perhaps the most revealing comparison. Conditions in the countryside varied regionally, reflecting differences in local prosperity. The practice of unmarried farm servants living in persisted into the early nineteenth century, but generally declined as the social distance between farmers and labourers widened.<sup>109</sup> High farming incomes during the Napoleonic Wars improved the standard and style of life of many farmers, and increasingly this made relations with the farm labourers more remote. To some extent, similar social shifts can account for developments in rural convict housing in Van Diemen's Land. Settler society sought to reproduce the manners and social patterns of Britain. As settlers became established, and as wealthier settlers arrived following the Bigge report, this extended to recreating the social landscape of the British countryside. In this context, it was not appropriate for the settler to dine with his farm labourers, far less with transported convict farm labourers, and the distance, and difference, between convict

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<sup>107</sup> R.A. McDonald, *op. cit.*, p. 137.

<sup>108</sup> Journal of J.C. Sutherland, 23 July 1828, NS 61.

<sup>109</sup> A. Armstrong, *Farmworkers; A Social and Economic History 1770-1980* (London: Batsford, 1988), pp. 57-60; A. Fenton, *op. cit.*, pp. 190-91; B. Short, *op. cit.*, p. 148; M. Reed, *op. cit.*, pp. 229-230.

huts and the master's grand house was an expression of power and authority in the landscape.

Housing supplied for the rural workforce was of a basic character. Married labourers in early nineteenth-century Britain were commonly housed in one roomed cottages, stone walled, earthen floored, and roofed with local materials, often thatch.<sup>110</sup> Sanitation was basic, often simply a lean to, emptied to the garden.<sup>111</sup> Stone walls were not universal, and in less improved areas mud or sod walls were still common, attracting fierce contemporary criticism.<sup>112</sup> Rural labourers had few furnishings in such accommodation; those more steadily employed had some simple wooden furniture, such as a bed, a chest, a few chairs and a table. In many other rural workers' houses, however, furnishings fell below this basic level.<sup>113</sup> Bothy accommodation of single male workers in parts of Scotland became increasingly common in this period. The bothy offered limited comfort, the interior containing little beyond built-in beds round the walls, and a fireplace.<sup>114</sup>

These comparisons demonstrate that while assigned servants' accommodation was basic, it was not substantially worse than that of many other contemporary workers, both free and unfree. Indeed, rural convicts' lodgings were potentially better than the very worst conditions endured in the towns of Britain. Although settlers and convicts experienced harsh accommodation on first taking up land, convict lodgings on the large properties later developed in a manner not dissimilar to that for single labourers on British farms. As settlers became established, and wealthier, so the

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<sup>110</sup> A. Fenton, *op. cit.*, pp.192-195; E. Gauldie, *op. cit.*, pp. 53-56; G.E. Fussell, *The English Rural Labourer* (London: Batchworth, 1949), p. 49. Fussell notes that earth floors were not simply earth, but may have been of different mixes; contemporary accounts suggest mixtures such as one-third lime, one-third ash, and one-third clay and horse manure from grass were used. Once dry, such floors were hard wearing.

<sup>111</sup> E. Gauldie, *op. cit.*, p. 57.

<sup>112</sup> A. Fenton, *op. cit.*, pp. 193-94; M.W. Flinn, *op. cit.*, pp. 82-82.

<sup>113</sup> E. Gauldie, *op. cit.*, pp. 57-58; A. Fenton, *op. cit.*, p. 195.

<sup>114</sup> E. Gauldie, *op. cit.*, pp. 66-67; A. Fenton, *op. cit.*, pp. 208-210.

convicts' accommodation became distant from the farmhouse. It can also be suggested that the convict huts' offer parallels to the housing of men in bothies, and of single slaves. It provided readily constructed, inexpensive housing for the workforce. As the size of the work force grew or contracted it could be readily accommodated within the existing buildings, or only limited new building was necessary. There is little to suggest that in their lodging the assignees were particularly penalised when compared to other comparable groups. The employers' motivation in overseeing this situation was not altruistic; the provision of a necessary minimum of shelter and comfort was necessary to preserve the health of the workers, and thereby to ensure the continued extraction of labour.<sup>115</sup>

Assigned servants' accommodation is not only of interest in terms of architecture, and the quality of buildings, but also as it shaped and affected the convicts' social world. However makeshift the convicts' huts, they were preferred by many prisoners to living-in with the master, as James Sutherland's assignees informed him: "they both told me I had failed in my promise of giving them a hut to themselves - thereby insinuating, I suppose that their residence in the kitchen was of great advantage to my happiness, & very detrimental to their comfort!!".<sup>116</sup> Removed from the direct supervision of their employer, convicts were able to exercise some autonomy within their huts, which could become the site of social gatherings. Indeed, while the shift in British farming away from living-in service is generally understood in terms of a widening social and economic divide between farmers and their workers, in which the farmer's developing position is represented as uppermost, the restriction of personal and social freedoms entailed in this system were also irksome to farm servants.<sup>117</sup> As in the instance on Sutherland's property, the agency for change should

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<sup>115</sup> B.W. Higman, *op. cit.*, pp. 218-219. Higman notes how housing affected the health and disease patterns of slaves, which affected their ability to work for their master; a similar relationship can be supposed to have existed in Van Diemen's Land.

<sup>116</sup> Journal of J.C. Sutherland, 20 August 1824, NS 61.

<sup>117</sup> B. Short, *op. cit.*, p. 151; M. Reed, *op. cit.*, pp. 230-233.

not be placed solely with the master, nor the living-in relationship be assumed to be without antagonism on either side.

McDonald has noted that the general neglect of Jamaican slaves' quarters by their masters allowed these to become the base for various activities outside the constraints of slavery, and that slaves invested their lodgings with a sense of property at odds with the reality of their unfree situation, often buying or improvising locks.<sup>118</sup> Similarly in the convicts' situation, the hut became an important site, at least partly outwith the master's authority. Overseers' huts were placed among convicts' huts and lodgings on larger estates, but how effectively these controlled convicts' conduct is not clear.<sup>119</sup> On James Cox's property, Clarendon, a separate overseer's hut was built in one corner of the enclosed area in front of the assigned men's accommodation; a clear example of this architecture of authority (Plate 5.3).

The distance of convicts' quarters from supervision and other buildings may also have presented risks and discomforts not generally recognised. Stock keepers' huts, some distance not only from the farm, but from other prisoners' lodgings, may have imposed upon the assigned man a feeling of isolation, if not despair, in a landscape that often looked very different to that experienced in Britain.<sup>120</sup> Isolation also brought with it the danger of attack by aborigines or bushrangers. Convicts' huts were frequently robbed by aborigines, and on occasions assigned men were killed during such raids.<sup>121</sup> Assigned men were also vulnerable to the visitations of

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<sup>118</sup> R.A. McDonald, *op. cit.*, p. 109.

<sup>119</sup> Map of Joseph Archer's property by Malcolm Laing Smith, September 1831, CSO 1/547/11913. The map shows the overseer's hut among the huts occupied by the assigned men, but the attached depositions of the convict servants suggests that the overseer did little to control their movements among the huts.

<sup>120</sup> B.R. Davidson, *op. cit.*, pp. 84-5.

<sup>121</sup> See Records relating to the Aborigines: Reports of murders and other outrages committed by the Aborigines upon the settlers, CSO 1/316/7578. This file contains a list of attacks ascribed to the Aborigines, including a number against convict servants, or their huts, for example: "November 1827 Joseph Hilton, a convict in the service of William Lyttleton speared and barbarously murdered when in the forest alone drawing split timbers", "May 1828 Mr. David Gibson's stock hut plundered and burnt to the ground - the Aborigines carrying away about a Ton [sic] of Flour and other articles - one of the servants much injured by the fire". Significantly, in concluding this report for the period 1827-31 in Norfolk Plains, Police Magistrate Malcolm Laing Smith stated that there were only two deaths at the





Plate 5.3 Convict accommodation, showing relation to overseer's hut, Clarendon.  
Author's photograph.



bushrangers, and while such contact may generally have passed off without incident, it could equally end in violence.<sup>122</sup> Relations between prisoner servants in their lodgings were also dynamic, and should not be unproblematically assumed to have been cordial. In July 1833 David Beatson, a convict holding a ticket-of-leave, stabbed James Rankin, an assigned servant with whom he shared a hut, because Beatson wanted to use the frying pan Rankin was cooking with to prepare hens' feeding. Beatson may have been particularly prone to violence; he was originally transported for stabbing and wounding.<sup>123</sup> Beatson's character may not have been known to Rankin, but the violent disposition of convict William Rees was well known to his fellow servants. On Joseph Archer's Burlington property, in 1831, Rees lived in a hut on his own, as the other assigned men refused to share with him.<sup>124</sup> Rees' fellow assignees believed him to be a violent man, and the surgeon on the ship he had been transported on recorded him as being of a 'violent disposition', which would suggest some misconduct on the voyage.<sup>125</sup>

Convicts' clothing has similarly received limited historiographical attention, yet consideration of this aspect of convicts' material conditions is essential in describing

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hands of the Aborigines, and these because the men had been unarmed. This might suggest that the aborigines were in fact generally successful in selecting times and targets for raids to gain foodstuffs, when they would not meet resistance, most plainly when the huts were unattended.

<sup>122</sup> Settlers were often suspicious of the connections between bushrangers and assigned servants. During the 1826 Brady bushranging outbreak J.C. Sutherland wrote referring to the role of convict stock keepers in assisting the outlaws, while conversely Joseph Archer wrote to the Lieutenant-Governor requesting a letter of commendation for his assigned servants, who had assisted in the defence of his property; see Letter of J.C. Sutherland, 15 March 1826, and letter of Joseph Archer, 30 April 1826, CSO 46 Correspondence relating to the Brady Outbreak. Assigned men themselves, however, could also be victims of bushrangers' violence. On 8 July 1838 a gang of five bushrangers arrived at the hut of Samuel Day, a convict employed as shepherd on John Glover's farm. The gang ordered Day to prepare food for them. Alarmed, Day tried to leave his hut, and was shot in the back by one of the gang. See *Launceston Advertiser*, 14 June 1838.

<sup>123</sup> Papers relating to stabbing by David Beatson, *per Competitor*, 20 July 1833, CSO 1/670/14883. Beatson was sentenced to twelve months' hard labour and his ticket suspended.

<sup>124</sup> Deposition of James Slaughter, September 1831, CSO 1/547/11913. Slaughter argued that Rees was a passionate man, and would he thought stab a man in a temper - Rees was ordered by his master not to carry a knife. Slaughter had previously been ordered to live with Rees but refused.

<sup>125</sup> 602, William Rees, *per Bussorah Merchant*, Con 31.

fully the assignees' standard of living. Regulation issues of clothing to prisoners remained generally stable throughout the period. Male assigned servants were required to be supplied with two suits of woollen slop clothing, four shirts, and one cap or hat each year, and they were also to receive three pairs of stock keepers boots.<sup>126</sup> In the early years of settlement in the colony it may have proven particularly difficult for masters of assigned labour, and the colonial government, to maintain sufficient supplies of clothing. While limited quantities of cloth were produced at the George Town Female Factory from 1822, the textile industry in the Australian colonies was negligible until after the 1830s.<sup>127</sup> This left the colony largely reliant on overseas supply to meet the demands of the population.<sup>128</sup> Distant from British textile production, and attempting to provide for a growing convict population, it was no simple matter to maintain a regular supply. In the initial years of settlement a considerable length of time might elapse between the order and arrival of clothing, and supplies were at risk to loss whilst at sea, from damp, and moths.<sup>129</sup> Moreover, in the early period of the colony, settlers may have been less financially able to purchase adequate supplies of clothing for their servants, had they been readily available. Contemporary observers certainly noted the poor state of the earlier convict servants' clothing. John Dixon recalled in his 1822 account of his travels though the colony that

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<sup>126</sup> Government Notice, 30 September 1826, *Historical Records of Australia*, Series III, Volume V, p. 465. The term slop clothing derives from the Dutch *slabbe*, for seamen's breeches, but was used generically of working clothes; see M. Maynard, *Fashioned from Penury: Dress as Cultural Practice in Colonial Australia* (Cambridge: Cambridge University Press, 1994), p. 11. It is interesting that there is no mention of socks or underwear in the allowance of clothing to convict servants in Van Diemen's Land. Stephen Nicholas notes, however, that prisoners in New South Wales received worsted stockings. Slaves in Louisiana were also issued with woollen socks in the mid nineteenth-century. It would seem probable that assigned convicts in Van Diemen's Land also received and wore socks. See S. Nicholas, *op. cit.*, p. 194 and R.A. McDonald, *op. cit.*, p. 154.

<sup>127</sup> Private cloth manufactures began in the Australian colonies in the 1830s, but this was not able to meet demand. In Van Diemen's Land textile production remained limited until after 1850. See M. Maynard, *op. cit.*, p. 35; R.M. Hartwell, *The Economic Development of Van Diemen's Land 1820-50* (Carlton: Melbourne University Press, 1954), pp. 151-2.

<sup>128</sup> Reliance on sea-borne supplies of clothing was not a problem unique to the Australian colonies; slave colonies experienced similar problems. See R.A. McDonald, *op. cit.*, p. 124.

<sup>129</sup> M. Maynard, *op. cit.*, p. 28.

“when I was in the interior, some servants were very badly off for proper clothing, especially at the distant settlements”.<sup>130</sup> Such were the difficulties and expense of obtaining slop clothing for convict servants that Edward Curr recommended settlers to bring out a supply among their other possessions:

I particularly recommend him to supply himself with a moderate stock of slop clothing for his assigned servants, consisting of a dozen or twenty suits; namely blue jackets and trousers, red baize and striped cotton shirts, duck frocks and trousers, with about twice the quantity of strong quarter boots of large sizes.<sup>131</sup>

As communications between Van Diemen's Land and Britain became more frequent, supplies of clothing to the colony improved. By the 1830s advertisements for a range of slop clothing appeared regularly in the press.<sup>132</sup>

With convicts' clothing, as has been seen of their rationing, it is important to investigate what was actually supplied, rather than simply rely on the colonial government's regulations, which may be a poor indicator of colonial practice. Assignees were clothed by the government prior to their master collecting them, and for this settlers were charged one guinea. Once in the charge of their master, it was the employer's duty to supply clothes to the convict servant. Convicts were not supplied with a year's supply of clothing in one issue by their employer. Clothes were issued to convict servants by the master with variable regularity, while they were in his employ. John Walls brought a complaint against his master, Paul Minnett, for having insufficient clothing in April 1829:

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<sup>130</sup> J. Dixon, *Narrative of a Voyage to New South Wales and Van Diemen's Land* (Edinburgh: Anderson, 1822), p. 85.

<sup>131</sup> E. Curr, *op. cit.*, p. 96. Duck or ducking was a coarse linen or cotton cloth. *Godwin's Guide to Van Diemen's Land* (London, 1823) suggested that settlers might purchase slop shirts for use on the voyage to the colony, during which laundry facilities would be limited. The shirts could afterwards be satisfactorily issued as slop clothing to convict servants. Cited in M. Fletcher, *Costume in Australia 1788-1901* (Melbourne: Oxford University Press, 1984), p. 60.

<sup>132</sup> See for example *Cornwall Chronicle*, 25 April 1835, sale of Mr. P. Welsh's stock including a variety of slop clothing; *Cornwall Chronicle*, 25 July 1835, sale by J. Easton of a variety of imported goods including a selection of slop clothing.

I have been with my Master 19 months, during that time I have received two suits of slops, I was due for fresh slops last month, I have no Clothes but what I have now on me, I have asked my Master for Slops, he told me he would get them as soon as he went to Town.

In his reply to the charge Minnett detailed the clothing he had supplied to his servant: "the Prisoner Walls has received from me, since he has been in my Service 7 pr. Shoes, 2 Jackets and 3 pair of Trousers he came into my employ in October 1827 I believe he was entitled to Slops about a fortnight ago".<sup>133</sup> Walls' statement indicates that he was not in possession of a full year's issue of clothing when he appeared, and Minnett's defence to the charge tends to suggest that he issued his convict servants slop clothing on some semi-regular basis. Slaves on Louisiana sugar estates in the mid-nineteenth century were supplied with their issue of summer clothing in spring or early summer, and with heavier winter garments in the autumn.<sup>134</sup> Nicholas' description of different summer and winter clothing given to convicts supplied by the government in New South Wales suggests a similar practice was carried on there, and it seems probable that masters in Van Diemen's Land also issued clothing seasonally.<sup>135</sup>

Masters issued clothing to their prisoner servants according to perceived need, although unsurprisingly the convicts' own perception often differed from that of their employer. Convicts were responsible for the maintenance and washing of their clothes, and time was generally set aside for this on Saturday or Sunday afternoon. This time, as time set aside from working for the master, was carefully guarded. James Sutherland's convict assignee James Rowland reacted angrily when he was asked to sift flour for his master's wife Lucy in the time allocated to washing. Sutherland recorded the incident in his diary:

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<sup>133</sup> Complaint of John Walls, *per Medina*, against Paul Minnett, 27 April 1829, LC 362/1.

<sup>134</sup> R.A. McDonald, *op. cit.*, p. 154.

<sup>135</sup> S. Nicholas, *op. cit.*, p. 194.

I then desired him [Rowland] to be employed in morticing posts till 3 o'clock, when he might stop and wash his shirts ... at half past 2 he had dined and was washing the dishes, when Lucy ... told him she shd. want some flour sifted - His answer was that as he was only allowed to wash from 3 he had very little time to sift flour - ... unless he had the whole of a Saturday afternoon namely from 12 he would rather not wash at all till Sunday - I said I thought there was [an] abundance of time after 3 o'clock to wash his three shirts.<sup>136</sup>

James Samuels' master, Mr. Ruffy, had higher expectations than his servants of the longevity of the slop clothing he issued. Ruffy denied Samuels' request for new trousers, as he explained to the bench:

Yesterday evening about 6 o'clock he applied to me for a pair of Trousers, I told him I had none in the House, and that he must mend the pair he had on, as I had told him a week before, and make them last a few days longer - He said he could not mend them - I told him I can't help it - it is not likely I shall go to Camp Town tonight to get you a pair.<sup>137</sup>

Convicts brought complaints before the magistrates against their masters where their clothing was not sufficient, although they did not often meet with satisfaction from the magistrate's bench. William Glover's assigned man, Joseph Seader, complained in March 1838 that he had not sufficient clothing; the magistrate however found from the prisoner's statement that he had in fact more clothing than he was entitled to. His complaint dismissed, he was sentenced to fifty lashes, and returned to his service.<sup>138</sup> John Walls' complaint of inadequate clothing in 1829 was similarly dismissed.<sup>139</sup> Edward Cushing took more direct action, absconding when his master refused him a pair of trousers, as his employer Edward Archer informed the magistrate:

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<sup>136</sup> Journal of J.C. Sutherland, 23 October 1824, NS 61. The issue of labour and leisure time is more fully explored in chapter six.

<sup>137</sup> Charge against James Samuel, *per Southworth*, 23 November 1835, LC 83/1.

<sup>138</sup> Charge against Joseph Seader, *per Lord Lyndoch*, 31 March 1838, LC 53/1.

<sup>139</sup> Complaint of John Walls, *per Medina*, 27 April 1829, LC 362/1.

On the Monday morning I was busily engaged with the rams when he came to me and in the most peremptory manner demanded a pair of trousers immediately I told him to go to work he said he would not go to work unless I gave him a pair of trousers immediately - and if I didn't give him a pair he would go to the Police Office and complain - I saw no more of him - he had a pair of very good trousers on ... he received a pair of moleskin trousers cut of the same bale as these I have on me on the 19th of November last.<sup>140</sup>

Found guilty of being absent without leave, and disobedience to his master, Cushing received twelve months' hard labour out of chains, and was removed from Archer's service.<sup>141</sup> Masters could not, however, entirely ignore the claims of their assigned servants to clothing; the convict servants had other means of expressing their dissatisfaction. It was alleged that the fire that destroyed three stacks of wheat, containing 2000 bushels of grain, in September 1831 on Joseph Archer's property, was started by an assigned man in response to his request for trousers being denied.<sup>142</sup>

While it has been shown that convict servants and employers disputed the clothing allowed, it is useful to place the issue of dress items in a contemporary context to arrive at a more meaningful assessment of quality and quantity. Nicholas' discussion of convict clothing argued that it compared favourably with that of unfree labourers in nineteenth-century Queensland, Jamaica and Mauritius.<sup>143</sup> It is apparent

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<sup>140</sup> Charge against 1514 Edward Cushing, *per Lotus*, 1 February 1837, LC 362/3. It is interesting to note here that Archer's remark 'cut from the same bale' might tend to suggest that they were made up on the farm, rather than bought ready made. It is further significant that master and servant wore trousers cut of the same cloth.

<sup>141</sup> Convicts who were found absent without leave not uncommonly stated their reason for absconding was to lay a complaint against their master. In order to attend the magistrate to lay a complaint, an assignee required a pass from their employer. If the convict servant left without a pass, they were absent without leave, and were liable to be disciplined. In a similar case in December 1826 four men assigned to Joseph Archer absconded. When they were taken the men made complaints of having had insufficient bedding and soap allowed to them. They stated that they were on their way to Hobart in order to present these charges. After investigation the men's charges against their master were dismissed. See Correspondence relating to the arrest and complaint of 177 Benjamin Ginn, 447 John Coates, 712 Peter Chandler, and 777 William Bridgewater, 23 December 1826, CSO 1/23/398. It is probable that in at least some instances complaints were made by absentee convicts in an attempt to evade punishment, rather than being the reason for their action.

<sup>142</sup> Letter of Joseph Archer to Colonial Secretary John Burnett, 7 September 1831; deposition of George Collins, assigned to Joseph Archer, CSO 1/547/11913.

<sup>143</sup> S. Nicholas, *op. cit.*, pp. 194-95.

that the clothing of assigned servants exceeded the near nudity of bonded Indian workers in Jamaica, or the gunny sacks cut up for clothing of some Indian labourers in Mauritius, that Nicholas describes. Such a comparison, however, invites the contrasting of the best of convict dress with the worst of unfree labourers' clothing. Nicholas' discussion fails to recognise the differentials of standards of clothing within the situations he cites. Among Queensland sugar labourers, alongside the badly clothed workers, were much better clothed, seasoned workers. Better dressed at work, they were also described by late nineteenth-century observers as being "as well dressed on Sunday as European workmen".<sup>144</sup> More fruitfully, Nicholas argues that convict clothing was of a similar standard to that of American slaves.<sup>145</sup> Plantation records indicate a generally standard issue of clothing was four cotton shirts, four pairs of trousers, and one or two pairs of shoes.<sup>146</sup>

Popular dress in Britain offers a still more problematic comparison. While certain sections of the population were undoubtedly very badly dressed, such as migrant workers, there were members of the labouring population who may have been well dressed by contemporary standards.<sup>147</sup> John Rule argues that in the period 1815-30 the consumption of clothing by many working-class families declined; increasing production of woollen and cotton textiles in mills did not derive from increased popular demand, nor did it serve a largely popular market.<sup>148</sup> Further, rural labourers' clothing was often of a lower standard than that of the urban worker; clothing was begged, given through charity, or else was purchased with exceptional earnings, such as

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<sup>144</sup> A. Graves, *Cane and Labour; The Political Economy of the Queensland Sugar Industry 1862-1906* (Edinburgh: Edinburgh University Press, 1993), pp. 91-2.

<sup>145</sup> S. Nicholas, *op. cit.*, p. 195.

<sup>146</sup> R.W Fogel and S.L. Engerman, *op. cit.*, pp. 116-17.

<sup>147</sup> S. Nicholas, *op. cit.*, p. 195. Again Nicholas might be questioned on his emphasis here on the dress of the poorest sections of the working population.

<sup>148</sup> J. Rule, *The Labouring Classes in Early Industrial England 1750-1850* (London: Longman, 1986), pp. 68-69.



harvest wages.<sup>149</sup> Frederick Engels' writing describes the lamentable dress of the labouring population in the mid-nineteenth century, stating it to be "generally scanty, and that of great multitudes is in rags".<sup>150</sup> Alongside this, however, it should be recognised that there existed a significant second-hand clothes market, through which the lower social orders had access to clothes otherwise beyond their means.<sup>151</sup> Domestic servants also occasionally received gifts of clothing from their employers in this period, although the practice was becoming much less common.<sup>152</sup> Hence it would be incautious to dismiss popular dress as of a generally poor standard, but equally wrong to marginalise those members of the labouring class who enjoyed relatively high standards of clothing. In considering clothing, the very wide internal differences of experience within the labouring class become apparent; those in expanding areas of the economy fared better than those in faltering or marginal employment. Clothing issued to some convicts in Van Diemen's Land may then been an improvement on what they had been able to afford in Britain, but for many others it may have been generally comparable, or even poorer than the clothing they had been accustomed to. An important qualification is, however, the potential social meaning of the convict's clothing. Among peers in Britain, badly made, ill-fitting or worn-out clothes might be unexceptional and could be experienced without shame, but as a

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<sup>149</sup> *Ibid.*, p. 68.

<sup>150</sup> F. Engels, *The Condition of the Working Class in England* (Berlin, 1845; edition used London: Penguin, 1987), p. 108. See also pp. 102-104 and 266.

<sup>151</sup> B. Lemire, "Developing consumerism and the ready-made clothing trade in Britain, 1750-1800", *Textile History*, 15 (1984), pp. 21-9; B. Lemire, "Consumerism in pre-industrial and early industrial England: the trade in second-hand clothes", *Journal of British Studies*, 27 (1988), pp. 1-21. Lemire argues that the second-hand clothes trade was central to popular supply until after 1830, when it began to be eclipsed by the supply of cheap, manufactured textiles.

<sup>152</sup> see B. Lemire, "Consumerism in pre-industrial and early industrial England", p. 5. The importance of the experience of domestic servants in the convict past should not be understated. Nicholas and Shergold's analysis of New South Wales convicts originating in England found domestic servants to be the third largest group of the convict population; see S. Nicholas and P.R. Shergold, "Convicts as workers", in S. Nicholas (ed.), *op. cit.*, p. 72. While in the sample of Van Diemonian rural assignees considered here domestics are not so prevalent, they remain a significant group.



convict, to be given such clothing might be understood as a humiliating badge of degradation.

Having considered convict clothing in terms of the contemporary context, it yet remains to discuss whether the issued clothing was adequate. Whilst the clothing issued to Jamaican slaves in the early nineteenth century was often very limited, R.A. McDonald argues that in the generally benign climate it would have provided adequate warmth and protection.<sup>153</sup> Moreover, McDonald suggests that the badly dressed slaves may have been in better health than their masters, who in keeping with the rank and status they assumed, dressed in inappropriately heavy British styles.<sup>154</sup> The adequacy of convicts' clothing is a difficult question to approach. In this context, adequacy is used to refer to the ability of the clothing to give warmth and protection from the elements and environment. It has been shown that convicts complained of having insufficient clothing given to them. If clothing was duly supplied, however, it can be considered that it would have proven adequate in the climate of Van Diemen's Land. Assignees' dress resembled that of free workers in the colony, and in Britain. The temperate climate resembled Britain. In the hotter summer months the assigned men would presumably have worn fewer clothes, and hats issued to them would have afforded protection from the sun. Whilst winters would have brought frost and lower temperatures, this would not have been far removed from their experience in Britain.

Footwear is an area of particular importance; poor quality shoes, or going barefoot at work, would rapidly have led to injury. In April 1826 Lieutenant-Governor Arthur wrote to Under-Secretary Hay complaining of the inferior quality of footwear in the colony, arguing that a good supply of boots was more essential in Van Diemen's Land than in New South Wales, as it was essential to the health of the prisoners.<sup>155</sup> Examined for the Bigge Enquiry, Assistant Surgeon R.W. Owen, of

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<sup>153</sup> R.A. McDonald, *op. cit.*, p. 123.

<sup>154</sup> *Ibid.*, pp. 123-4.

<sup>155</sup> Letter of Lieutenant-Governor Arthur to Under Secretary Hay, 22 April 1826, *HRA*, series III, volume V, p. 193.

George Town, stated that wounds to convicts' feet were common, as a result of their having no shoes.<sup>156</sup> In the period considered here, however, complaints of poor footwear appear not to have been common. Rural work may have been particularly damaging to boots or shoes, but larger properties often had a cobbler among the men, who made and maintained the prisoners' boots.

The quality of the work of such convict cobblers could not, however, always be relied on; James Wilson was brought before the magistrate at Longford by his master Edward Archer:

The prisoner is shoemaker - he does his work so badly that several of the men are walking about the farm barefoot - he only makes three pairs of boots a week - and is constantly idling about the farm - the upper leather drops away from the soles of all the shoes he makes.<sup>157</sup>

Three weeks passed before Wilson stood before the magistrate again. On this occasion, however, his overseer William Brighton had brought a pair of boots made by him as evidence. Brighton stated:

the pair of boots I now produce are made by him [Wilson] - they were issued to one of the men /who was employed in the barn shearing/ on the 2nd of November last and on the 5th January were in the state they are in now - /with the upper leather away from the sole/ - he only made one pair of boots from the 7th to the 15th of this month.<sup>158</sup>

On the second charge Wilson was found guilty, and sentenced to three months' hard labour in chains. Although clothing may generally have been adequate, incidents did occur when clothes and footwear fell below acceptable standards. Centrally, however,

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<sup>156</sup> Examination of Assistant Surgeon R.W. Owen, *HRA*, series III, volume III, p. 407.

<sup>157</sup> Charge against James Wilson, *per Moffat*, 1 February 1837, LC 362/3. Found guilty, the prisoner was admonished for this offence.

<sup>158</sup> Charge against James Wilson, *per Moffat*, 22 February 1837, LC 362/3.

it should be seen that it was not in the masters' interests to provide insufficient or sub-standard clothing to their assignees, if they were to work effectively.

Clothing is not only a matter of covering the body. Rather, costume can convey various meanings, suggesting status or aspiration, and allowing or denying social access. Convicts were not unsophisticated consumers of clothing. Stephen Land, assigned to Edward Archer, refused his master's issue, as Archer described to the magistrate:

the prisoner came to me yesterday morning with a duck frock asking what that was for I said for you to wear - he said he was due for a jacket & he said he would not wear the frock but would [have] a jacket he said he could not work in the frock I told him I would have him punished if he did not work he answered I defy you to have me punished Do you think I am going to take this for slops I want a jacket.<sup>159</sup>

The duck frock referred to in the deposition was the smock that was commonly worn by rural labourers in southern England.<sup>160</sup> While the smock, which would have been worn over his other clothing, would certainly have proven adequate, and indeed, contrary to his own remarks, perfectly practical for labour, Land rejected it. His refusal cannot be seen in terms of need or inadequacy, but in taste and habit. Land may not have been accustomed to the wearing of smocks, as they were largely a regional dress. A jacket may also have allowed him freer access to colonial society, allowing him to socialise more readily among similarly dressed convict men and women, and in free society. Assigned convicts wore no uniform to distinguish them.<sup>161</sup> Indeed, the clothing of assigned labourers may have been indistinguishable

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<sup>159</sup> Deposition of Edward Archer respecting Stephen Land, c. 1839, POL 486 [entries in this series are undated].

<sup>160</sup> G.E. Fussell, *The English Rural Labourer* (London: Batchworth, 1949), pp. 118-120. Smocks remained common among rural workers in parts of England into the late nineteenth-century.

<sup>161</sup> Paul Paffen has argued that red waistcoats were typical of rural convict servants in this period, as worn by the convicts in John Glover's *My Harvest Home*, (1835), oil on canvas, 76.2 x 113.9 cm, Tasmanian Museum and Art Gallery. These waistcoats derived from a supply initially in Van Diemen's Land in 1834. See P. Paffen, "Forgotten faces?: Portraits and other images of the convict in Van Diemen's Land", *Tasmanian Historical Research Association Papers and Proceedings*, 46 (1999),

from the working dress of their masters, and that of free workers. It has been seen that Edward Cushings' trousers were cut from the same bale of moleskin cloth as his master Edward Archer's, and that Archer also attempted to supply the prisoner with a pair of his old trousers. Masters may have commonly supplied their assigned servants with cast-off clothing, rather than issue them with new items. Contemporaries viewed with concern the homogeneity of costume in the colony, which made discipline problematic.<sup>162</sup> Unrecognisable by their clothing, assignees were able to evade detection as convicts when at large, and were able to participate in areas of society officially denied them. Employers attitudes towards assignees uniforms were, however, complex. Although it had been mooted at the time of the Bigge Report that all transportees should wear a uniform, settlers refused this on the grounds that they did not want their indoor servants dressed in some coarse penal livery.<sup>163</sup> It can be considered that had their field servants been dressed in prison garb, then this too would have disturbed their pastoral vision.

Slop clothing issued by government or employer was not the only source of clothing available to convicts. Karskens has noted that the convict and ex-convict inhabitants of the Rocks area of Sydney in this period were frequently well dressed, purchasing fine and brightly coloured clothes.<sup>164</sup> Given that supplies of new clothing were limited, it is probable that a significant second-hand clothes trade developed in the colony, mirroring the second-hand trade in Britain. Second-hand dealers were supplied in Britain through various channels: old clothes might be traded in to tailors,

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pp. 76-77. Without further evidence it would be difficult to advance from this suggestion with any certainty. Maynard has also suggested that the poorer cut and fit of convict dress may have made it identifiable; see M. Maynard, *op. cit.*, p. 16. This may have been off-set by prisoners altering their own clothing.

<sup>162</sup> M. Maynard, *op. cit.*, p. 38; J.B. Hirst, *op. cit.*, p. 127.

<sup>163</sup> J.B. Hirst, *op. cit.*, p. 126.

<sup>164</sup> G. Karskens, *The Rocks; Life in Early Sydney* (Carlton: Melbourne University Press, 1997), pp. 206-207. Karskens makes the important observation that convicts were consumers, familiar with modern ideas of consumersim. As Lemire has noted popular consumersim was strongly developed by the nineteenth century; see B. Lemire, "Developing consumerism and the ready made clothing trade in Britain", pp. 35-41.

sold on as no longer in fashion, or simply as surplus.<sup>165</sup> One avenue that requires particular attention in the colony is the theft of clothing, then common in Britain.<sup>166</sup> In a number of cases assigned servants were disciplined for the theft of clothing, or for selling the slop clothing given them. John Douglas received fifty lashes in 1827 for disobedience, neglect of work, insolence to his master, and making away with his slop clothing.<sup>167</sup> In May 1834 Joseph Pearson was sentenced to fifty lashes for being drunk and disorderly, and having in his possession a stolen shooting jacket, while in 1837 James Dillon was sent to the tread wheel for one month for being drunk and making away with or losing his clothes.<sup>168</sup> Isaac Hayes received the more severe sentence of two years hard labour at the Quarter Sessions of the Supreme Court in 1831 for "feloniously stealing on the 4th April last in the hut of W. Archer at Brumby's Creek one Fustian jacket & one pair of Cord Trousers".<sup>169</sup> Convict assignees may have been stealing for their own use, or selling or resetting the stolen items back into the market place. It would have been possible for assignees to purchase items of clothing with either illicit earnings, or payments given by masters as a particular indulgence. Clothing acquired through these channels would not only have supplemented that given them, but allowed for special display on certain occasions.

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<sup>165</sup> B. Lemire, "Consumersim in pre-industrial and early industrial England: the trade in second-hand clothes", pp. 9-11.

<sup>166</sup> B. Lemire, "The theft of clothes and popular consumerism in early modern England", *Journal of Social History*, 24 (1990), pp. 259-262.

<sup>167</sup> 370 John Douglas, *per Lady East*, 4 December 1827, Con 31.

<sup>168</sup> 787 Joseph Pearson, *per Lord Lyndoch*, 4 May 1834; 961 James Dillon, *per John Barry*, 25 October 1837, Con 31. The charge against Dillon is particularly interesting, as it may be that he sold his clothing in order to buy the alcohol that left him drunk. Bigge had commented on the problem of convicts selling their slops for drink in 1822; see J.T. Bigge, *Report on the Colony of New South Wales* (London, 1822; edition used Adelaide: Libraries Board of South Australia, 1966), p. 61. It may also have been that the unfortunate Dillon was robbed of his clothing whilst in drink. This practice was common in contemporary Britain; see B. Lemire, "The theft of clothes and popular consumerism in early modern Britain", p. 258.

<sup>169</sup> 832 Isaac Hayes, *per William Miles*, 10 May 1831, Con 31.

Rural assignees' material conditions in Van Diemen's Land reflected at once the economic importance of their labour, and the agency of the assignees themselves in claiming and defending their rights, real and assumed. Their diet, although it varied widely, was generally nutritious, if often monotonous. Their housing afforded them sufficient shelter, and a site of recourse reasonably free from the master's surveillance and effective control. Convict servants' clothing was often indistinguishable from that of free labourers in the colony. These conditions often equalled, or were even better than those they had experienced in Britain prior to transportation. Comparison to the provisions for plantation slaves in America and the Caribbean reveals that they too were supplied at a similar level. It can be argued that these labouring populations had such diet, clothing, and shelter, as these were the necessary costs of efficiently extracting labour. This was not simply the case in terms of sustaining the labourer, but also as an incentive. In a wageless labour situation, the material conditions took on the role of a wage. Moreover, it has been seen that assignees were able to extract a high price from their masters where such conditions were not met. Material conditions were a central aspect of the moral economy of the assigned labour system. The importance of such an argument on convicts' material conditions is not to seek to ameliorate their colonial servitude, but rather to establish that they did not toil under a system of such harshness that it precluded the possibility of creative convict experience in the colony.<sup>170</sup> It is necessary to demonstrate the elementary conditions of convict life, before proceeding to consider wider aspects of convict experience; consideration of such aspects forms the subject matter of the following chapters.

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<sup>170</sup> In their work on American plantation slavery Fogel and Engermann defended their arguments on slaves' material conditions by stating that it was necessary to establish that slaves did not labour under a system so oppressive that it negated the possibility of any creative slave life and culture; R.W. Fogel and S.L. Engermann, *op. cit.*, pp. 258-264.

## Chapter 6

### Beer and Fighting: Aspects of Rural Male Convict Leisure

On the evening of 5 June 1830 Field Police constables Richard Herring and James Edwards apprehended John Stewart, an assigned servant to the Van Diemen's Land Establishment, in the house of James King, as Herring described:

A few minutes after Stewart entered the house I went up to the door, and looked through the crack of the door for a few [minutes], I distinctly saw John Stewart sitting at the end of a Table on a chair - I heard Stewart ask for a Bottle, King's Wife asked if he was going to drink it there, or take it away - Stewart said he would only drink one Glass by G\_d ... she placed ... the Bottle on the table - Stewart poured the Glass full from the Bottle and drank it - he then poured out a second.<sup>1</sup>

Before Stewart could drink the second glass, however, the constables entered the house and apprehended him. For being absent without leave from his work, and tippling on King's premises, Stewart was sentenced to four months labour in the Launceston Chain Gang.<sup>2</sup> James King, an emancipist, was subsequently tried on a charge of supplying Stewart with rum. In the case that followed King was found not guilty, despite the evidence of the two Constables. The record of the trial suggests that this verdict was secured on the rather questionable objection that the two Field Policemen were partial in the case, as they expected to receive a portion of the fine were King found guilty.<sup>3</sup> There can, however, be little question of King's guilt. On 23 July 1828, William Thomas, assigned servant to Joseph Archer, was caught drinking at King's hut, while on 6 October in the same year, William Avery and John

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<sup>1</sup> Trial of James King 2 July 1830, LC 362/2; see also Trial of 775 John Stewart, *per Chapman*, 8 June 1830, LC 362/2.

<sup>2</sup> Trial of John Stewart, 8 June 1830, LC 362/2.

<sup>3</sup> Trial of James King, 2 July 1830, LC 362/2. That the verdict of not guilty was secured on this claim appears unusual as it was the established practice in the Australian colonies that constables earned part of their income as a proportion of the fines extracted from offenders. See M. Sturma, "Police and drunkards in Sydney, 1841-1851", *Australian Journal of Politics and History*, 27 (1987) pp. 49-50.

Douglas, also prisoner servants to Archer, absented themselves from their master's premises and were arrested when drinking spirits at King's, for which they each received twenty-five stripes.<sup>4</sup>

The case of James King's sly grog shop reveals something of a significant, yet in the scholarly literature largely unregarded area of convict history: convict recreation. While there has been some investigation of levels of alcohol consumption in the Australian colonies, there have been limited efforts to place such behaviour among convicts within a meaningful social context.<sup>5</sup> Orthodox historiography has ascribed limited importance or meaning to convict drinking and recreation. A.G.L. Shaw stated that convicts' drinking was an unsophisticated means of escape, and a simple continuation of vice from their former way of life.<sup>6</sup> Robson's study echoed Shaw's conclusions finding that "sobriety was not a characteristic of the convicts. They no doubt had a taste for drink prior to their conviction in Britain and ... convict discipline drove them to seek solace in the bottle".<sup>7</sup> John Hirst noted convicts' frequent drinking, and referred to other leisure activities, but considered such actions to have no particular importance.<sup>8</sup> Hughes argued that "nearly all the men and women were addicted to alcohol", and stated that convicts were particularly habituated to spirits

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<sup>4</sup> 391 William Thomas, *per Asia* (2); 209 William Avery, *per Lady East*; 370 John Douglas, *per Lady East*, Con 31.

<sup>5</sup> A.E. Dingle's study of the volume of consumption in the Australian colonies between 1788 and 1914 does offer some analysis, but as a survey of an extended period does not enter into a lengthy discussion of the convict period. Dingle's work is more concerned with imports and volume, than with social process and function. An important recent exception to this gap in convict history is Grace Karsken's recent work. Karskens has made important advances in addressing the social role of hotels and bars in early Sydney, and investigating the social world of Sydney's early inhabitants free and convict. Given the urban focus of her study however, she does not address the experience of convicts assigned to rural areas. See A.E. Dingle, "A truly magnificent thirst: An historical survey of Australian drinking habits", *Australian Historical Studies*, 19 (1980), pp. 227-49; G. Karskens, *The Rocks; Life in Early Sydney* (Carlton: Melbourne University Press, 1997), pp. 42-43, 162-63, 221-25.

<sup>6</sup> A.G.L. Shaw, *Convicts and the Colonies* (London: Faber and Faber, 1966), pp. 71-72.

<sup>7</sup> L.L. Robson, *The Convict Settlers of Australia* (Melbourne: Melbourne University Press, 1973), p. 111.

<sup>8</sup> J.B. Hirst, *Convict Society and its Enemies; A History of New South Wales* (Sydney: Allen and Unwin, 1983) pp.55, 128 and 140.



"since their need for oblivion was worse".<sup>9</sup> Such claims are unsatisfactory. An argument that considers convicts to have been incapable of generating an internal cultural world is dismissive. It reinforces an essentialised understanding of convicts as morally inferior by nature, and denies their agency within the system of transportation. Convicts never 'act'; they merely are what they are. Transportation also emerges from such an understanding as a system of punishment so oppressive that convicts could neither find nor appropriate any space within it for their own internal lives.<sup>10</sup> Historians have, however, successfully demonstrated the various ways in which convicts did challenge convict discipline.<sup>11</sup> It is not possible to comprehend such convict resistance however without the support of a uniting cultural background. If one function of convict discipline was to create socially atomised labourers, then the maintenance of social links contrary to this aim should be understood as the primary phase of resistance to the system.<sup>12</sup> This chapter describes

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<sup>9</sup> R. Hughes, *The Fatal Shore; A History of The Transportation of Convicts to Australia* (London: Harvill Press, 1996), pp. 290-92.

<sup>10</sup> Similar criticism has been launched against the historiography of American slavery which had denied the generation of slave culture. See R.W.L. Fogel and S.L. Engermann, *Time on the Cross; The Economics of American Negro Slavery* (London: Wildwood House, 1974) p. 258-60. Slave culture has now received more nuanced study and the literature arising from this informs this study and the understanding of convict recreation.

<sup>11</sup> See for example A. Atkinson, "Four patterns of convict protest", *Labour History*, 37 (1979) pp. 28-51; H. Maxwell-Stewart, "The Bushrangers of Van Diemen's Land, 1803-46", unpublished PhD Thesis, University of Edinburgh (1990), pp. 94-151; and 193-233; W. Nichol, "Malingering an convict protest", *Labour History*, 47 (1984) pp. 18-27; K. Reid, "'Contumacious, ungovernable and incorrigible': Convict women and workplace resistance Van Diemen's Land", in I. Duffield and J. Bradley (eds), *op. cit.*, pp. 106-23.

<sup>12</sup> The maintenance of slave culture has been described in terms of resistance to the process of dehumanisation by Eugene Genovese. The processes described by Genovese as the logic of slavery, the breaking of the slaves will and their reconstruction as unthinking, unfeeling extensions of their master's will, can well be extended to the system of convict transportation and discipline. See E.D. Genovese, *Roll, Jordan, Roll; The World the Slaves Made* (New York: Random House, 1974) p. 314. The important link between culture and resistance in subordinate populations is demonstrated in James C. Scott's study of peasant resistance in South-East Asia; see J.C. Scott, "Everyday forms of peasant resistance", in J.C. Scott and B.J. Tria Kerkvliet (eds.), *Everyday Forms of Peasant Resistance in South-East Asia* (London: Frank Cass, 1986) pp.8-9. Scott generalises and extends this conceptualisation in his subsequent work, J.C. Scott, *Domination and the Arts of Resistance; the Hidden Transcript* (New Haven, Conn.: Yale University Press, 1990). Scott's expansion draws in a global range geographic, temporal and social sites, although the transported convicts in colonial Australia are not among them.

the contours of convict recreation in order to bridge this gap in the understanding of convict society and experience.

Recreation was an essential part of the convicts' experience. Magistrates' bench books are littered with references to the drinking of alcohol by convict servants; this chapter draws together such glimpses of convict life to demonstrate some important aspects of convict leisure and culture. Non-work time was claimed by convicts, both male and female, and prisoners asserted their right to spend this time in a variety of recreational activities.<sup>13</sup> Indeed, recreation was a facet of convict life throughout the experience of transportation, including the period of the voyage to the penal colonies.<sup>14</sup> Within the structures of convict discipline drinking alcohol emerges as the most visible form of convict leisure. Assigned convicts were frequently charged with such offences. Convict recreation was not, however, confined to the drinking of spirituous liquor; other facets of convict non-work activity also emerge from the investigation of their leisure. Tobacco smoking was an indispensable feature, leaving numerous commonly unheralded references in the lower court records. Gambling, not only on cards or dice, but also on sporting contests, was a further diversion. More difficult to reconstruct from the record, but of the greatest significance in establishing

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<sup>13</sup> Kay Daniels argues that female assigned servants did not have the same recreational opportunities as male prisoners, as the nature of domestic employment precluded the possibility of recreational time. Reid's study of female assignment has however convincingly shown that female prisoners did demand and take control over 'free time'. See K. Daniels, *Convict Women* (Sydney: Allen and Unwin, 1998) p.80 and K. Reid, *op. cit.*, pp.113-117. Although this thesis does not primarily address female convict experience, it will be apparent from the discussion that male and female convict leisure were not segregated: interaction between the sexes was an important aspect of non-work time. Female recreation demonstrates many of the same patterns as that of males; K.Reid, *ibid.*, pp. 113-119 and K.M. Reid "Work, Sexuality and Resistance; The Convict Women of Van Diemen's Land, 1820-39", unpublished Phd Thesis, University of Edinburgh (1995), pp. 233-273 explore these issues.

<sup>14</sup> Convicts on-board transports to New South Wales and Van Diemen's Land had their time divided between work and non-work activity. Transportees were engaged in tasks such as scrubbing the decks and quarters, laundry and food preparation. Schooling and religious worship were imposed on convict ships. In free time convicts engaged in common shipboard pursuits, such as scrimshaw work and gambling. The Christmas period was celebrated among convicts at sea with songs and dancing. Maxwell-Stewart and Bradley's work has demonstrated that convicts commonly also acquired tattoos whilst at sea. See R. Hughes, *op. cit.*, pp. 153-4; H. Maxwell-Stewart and J. Bradley, "Embodied explorations: investigating convict tattoos and the transportation system", in I. Duffield and J. Bradley (eds.), *op. cit.*, pp. 194-6.

meaning, is the oral culture of convict society, and this chapter explores the character of the spoken culture of rural assigned labourers.

The emergence of defined leisure time distinct from work can be understood to have occurred as a result of the shift to industrial models of work discipline in the early nineteenth century. In pre-industrial British society recreational activity and work were often not mutually exclusive. Everyday forms of amusement, such as the telling of stories, the consumption of ale or the singing of songs formed a common accompaniment to labour, whether in the workshop or domestic setting.<sup>15</sup> Further the task-oriented nature of work, both rural and urban, allowed for a less structured working day; working time expanded and contracted according to the demands of the work in hand.<sup>16</sup> This traditional pattern of work was inimical to industrialisation; the shift to factory work discipline demanded the more rigorous control and definition of work time. The imposition of enclosed work time necessarily created a defined period of non-work, or leisure time. Workers' freedom within this time was limited however by attempts to control and regulate leisure in the service of work, most clearly illustrated by the ideas of rational recreation that developed in the mid-nineteenth century.<sup>17</sup> Whilst it is a useful abstraction to consider a sharp rupture between the industrial and pre-industrial models, to do so potentially obscures the problematic nature of the transition.<sup>18</sup> Resistance from workers to change ensured in many areas that local holidays continued to be observed, despite employers claims on their

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<sup>15</sup> R.W. Malcomson, *Popular Recreations in English Society, 1700-1850* (Cambridge: Cambridge University Press, 1973), pp. 15-16.

<sup>16</sup> E.P. Thompson, "Time, work-discipline and Industrial Capitalism", *Past and Present*, 38 (1967), p. 60.

<sup>17</sup> P. Burke, "The invention of leisure in early modern Europe", *Past and Present*, 146, (1995), pp. 144-9.

<sup>18</sup> F. Cooper, "Colonizing time: work rhythms and the labor conflict in Colonial Mombasa", in N.B. Dirks (ed), *Colonialism and Culture* (Michigan: University of Michigan Press, 1992) pp.210-12. Cooper argues that rather than the dichotomy suggested by Thompson, there was a pragmatic maintenance of pre-industrial models of labour organisation and discipline in certain areas of the economy that were more efficiently governed on a task oriented basis. His arguments reveal the weaknesses in viewing the introduction of industrial time management as uncontested or unproblematic.

workers' time.<sup>19</sup> In rural areas the adoption of an industrial form of work and time discipline was particularly problematic, due to the inherently seasonal and task based nature of the work. Rural workers were not however isolated from change; the early nineteenth century witnessed a shift away from the living-in farm servant, towards the labourer working statutory hours, living in tied accommodation.<sup>20</sup> Customary rights and entitlements were eroded, and while certain seasonal festive observances continued, their content changed, demonstrating increased social differentiation of worker and employer.<sup>21</sup> The management of rural assigned labour in Van Diemen's Land brings these issues into sharp relief.

Assigned convicts had no statutory hours of labour. In response to a letter enquiring as to the propriety of settlers paying their convict servants in money for work carried out beyond the usual hours of employ, John Burnett, Colonial Secretary noted; "I should think the settlers were entitled to the labours of their servants at *all reasonable hours* " [author's emphasis]. Lieutenant-Governor Arthur annotated the same letter, "The Convicts are bound to work for their masters *from morning until Evening - allowing a reasonable time for dinner & breakfast*" [author's emphasis].<sup>22</sup> Such vague definitions of time were clearly open to contest. In practice masters often referred to the hours stipulated for convicts employed in the Public Works, or a traditional working day of dawn to dusk.<sup>23</sup> Moreover rural work was by its nature not amenable to linear models of time and work discipline. Surviving rural journals rarely describe events in the context of clock time, but more frequently in terms of the task at

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<sup>19</sup> J. Walvin, *Leisure and Society 1830-1950* (London: Longman, 1978), pp. 6-7.

<sup>20</sup> E.P. Thompson, *op. cit.*, p. 77.

<sup>21</sup> R. Hutton, *The Stations of The Sun; A History of the Ritual Year in Britain* (Oxford: Oxford University Press, 1996), pp. 336-44; B. Bushaway, *By Rite, Custom, Ceremony and Community in England 1700-1880* (London: Junction Books, 1982), pp. 113-42.

<sup>22</sup> Annotations of Lieutenant-Governor Arthur and Colonial Secretary John Burnett to letter from D. Wentworth, 11 April 1831, CSO 1/516/11257.

<sup>23</sup> G. Davison, "Punctuality and progress: the foundations of Australian standard time", *Australian Historical Studies*, 25 (1992), pp. 175-76; A. Atkinson, "Four patterns of convict protest", *Labour History*, 37 (1979), pp. 33-34.

hand.<sup>24</sup> The journal of James Cubbitson Sutherland, a settler and significant employer of assigned convicts in the north-east of Van Diemen's Land in the 1820s, describes clearly the irrelevance of standardised work discipline to much rural work. Labour demands fluctuated according to the type of work being carried out. Handling the sheep on the property created a particular demand, as the entry of 14 June 1825 describes: "Brought the flock into the yard - all hands engaged in castrating, ear marking & catching the Lambs - and in shearing some of the old sheep that were much affected by scab".<sup>25</sup> Harvest was the most intensive period of work in the agricultural calendar, as Sutherland's journal again testifies in January 1826; "9\_10\_11\_12\_13\_14\_ Reaping with all the strength - except on 12. when it rained".<sup>26</sup> Sutherland's remark brings home the evident reality that the pattern of rural labour was not only governed by seasonal demands, but also by the weather. In his journal he records with dissatisfaction the loss of days of shearing to rain, and days when only a minimum of work could be carried out due to stormy weather.<sup>27</sup> The conjunction of customary and penal models of work and non-work time suggested here resulted in conflict. Masters and their prisoner servants contested the hours of work that could be demanded. Assignees commonly enforced their understanding of the limits of work, and implicitly of their own time, in terms of sunrise and sundown, while masters appear to have cited both the standards of customary duty, and the more rigid measure of their pocket watches. William Archer's assigned man William Rogers was brought before the magistrate at Longford on a charge of disobedience. Overseer James Parsons stated the offence before the bench;

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<sup>24</sup> G. Davison, *op. cit.*, p. 177.

<sup>25</sup> Journal of J.C. Sutherland, 14 June 1825, NS 61.

<sup>26</sup> Journal of J.C. Sutherland, 9-14 January 1826, NS 61.

<sup>27</sup> See for example Journal of J.C. Sutherland 16 December 1824, "clipping abandoned"; 21 April 1825 "storms no work done"; 25 February 1826 "rain little work done", NS 61.

Yesterday afternoon at three minutes to four o'clock this man with some others came home, out of the field where he had been at work - I asked him what he came home for - he said it was sundown - I told him to go and put some Hay in the carts for the bullocks - he said 'I'll be damned if I do - it is sundown.'<sup>28</sup>

A similar understanding of the limits of work time is evident in the refusal of prisoner William Winch to take his master's horse to the blacksmith; his overseer stated, "He would not do it - he would not work after hours - it was then six o'clock."<sup>29</sup> The beginning of the working day was a further source of dispute. William Cook offered a striking refusal to his overseer's attempts to rouse him to work, as the overseer detailed:

I called the prisoner about half past six o'clock & told him to go to work, I went to him again about half an hour after and he was just getting out of bed, he said it was not time to go to work & that it was the middle of the night and he was not going at such a time.<sup>30</sup>

Convict servant James Shields was yet more eloquent in his refusal to accept his masters authority, as the bench book reveals, "I directed the Prisoner to be at his work by 7 o'clock the next morning, he said 'I won't - for you; nor all the Archers in the country; nor for Father Peter himself'".<sup>31</sup> In such instances the employers of convict labour can be understood as attempting to enforce a standardised model of work time, largely borrowed from the regulation of government labour. At other times, masters attempted to appeal to a more traditional model of the obligations of farm work, quite distinct from the governance of the clock. Convicts often resisted this imposition. William Stroud refused to attend his master's pigs as ordered. As his employer stated,

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<sup>28</sup> Trial of 833 William Rogers, 2 July 1836, LC 362/3. Rogers received 50 lashes for this offence.

<sup>29</sup> Trial of 1472 William Winch, 25 November 1836, LC 362/3. Winch was found guilty but admonished for this offence.

<sup>30</sup> Deposition of William Lewis, c. 1839, POL 486 [individual entries in this series are undated].

<sup>31</sup> Trial of 1533 James Shields, 30 March 1836, LC 362/3.

"On Sunday morning on seeing the Pig trough empty I ordered this man to boil some more [meal], he positively refused to do it".<sup>32</sup> When he was ordered to work one Sunday in July 1830, convict William Johnson answered, "I have worked six bloody days in the week without working on a Sunday ... you may go and Bugger yourself"<sup>33</sup>, whilst William Benwell refused his employer's demands, as was detailed to the bench:

Last Saturday I desired the Prisoner to turn the sheep into a paddock called the Long Plain - the next morning I found that they were in a potatoe [sic] field ... and had eaten the tops off the potatoes - This was at half past eight o'clock I found him in bed in his hut - I spoke to him about his conduct - he said he was not obliged to run about on a Sunday morning.<sup>34</sup>

The refusal to work on Sunday represents a pointed adoption of the government regulation by the convict, where in a traditional rural labour situation the movement of escaped stock or generally of feeding livestock would have been understood an inherent duty, irrespective of the day.

Assigned servants not only attempted to enforce their understanding of the limits of the working hours the master could demand from them, but also asserted their right to control of this non-work time. Abraham Walker's servant, William Helmsley, reported to his master one evening that he had finished with the horses, and requested permission to leave the property to visit a former ship-mate on a neighbouring farm. Walker refused, but Helmsley was subsequently caught walking down the road off the property. When challenged on his reasons for going, when a pass had not been given, Helmsley stated that "he thought it was a hard thing he could not go when he asked" and that, "he was going after no harm and therefore would go".<sup>35</sup> Helmsley's actions

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<sup>32</sup> Trial of William Stroud, 24 July 1838, LC 53/1.

<sup>33</sup> Trial of William Johnson, 27 July 1830, LC 362/2.

<sup>34</sup> Trial of 2136 William Benwell, 16 January 1837, LC 362/3.

<sup>35</sup> Deposition of Abraham Walker, c. 1839, POL 486 [individual entries in this series are undated].

demonstrate his understanding that it was his entitlement to leave the farm after his work had been completed. Similarly when William Robertson and William Green were brought before the magistrate on a charge of disobedience, insolence and drunkenness, their master's deposition demonstrated that the central question was one of control over the convicts' recreational time. Their employer stated:

I saw the prisoners leaving the farm last night and desired them not to go Robertson answered me most insolently and they both went off the farm - I got two Constables - Green & Robertson then returned - and when the Constables were taking them they resisted them - and Robertson continued to abuse me - he told me I was not his b[lood]y master - and that *no master should prevent him from going on the Township* [author's emphasis].<sup>36</sup>

Rural convict labour was not uniformly amenable to rigid time discipline; the definition of work, and therefore of non-work time was a contested and implicitly politicised issue.<sup>37</sup>

Drinking emerges from the record as one of the central activities of convict recreation. Maxwell-Stewart argues that convicts assigned to rural areas did not have the ready access to inns and taverns that their urban counterparts had.<sup>38</sup> While this is true, rural convict labourers nevertheless did obtain alcohol from a variety of sources. Sly grog-shops, such as James King's, were just one avenue through which convicts could obtain alcohol. Licensed premises, however, are the most obvious source for

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<sup>36</sup> Trial of 905 William Robertson, *per Emperor Alexander* and 117 William Green, *per Aurora*, 26 January 1837, LC 362/3. Green was admonished at his master's intercession, while Robertson who had offered his master continued abuse was sentenced to six months hard labour in chains and removed from his service. Green was dismissed from the service of Wilmot 11 December 1837 and sentenced to three months hard labour out of chains for "having opened one of the windows of his Master's house & taken out some keys for the purpose of gaining an entrance to his female servants' apartment".

<sup>37</sup> J.C. Scott, *Domination and the Arts of Resistance*, pp. 14-18 and p. 224. Scott's arguments on the nature and function of subordinate popular culture can be usefully applied to convicts. Convict culture, in common with the culture of other labouring populations discussed by Scott, provided an understanding of their 'rights', and a stock of actions to defend those 'rights' against the employer. These claimed 'rights' extended to issues of work and free time, and also to other claims on rations, clothing and discipline. Where these expectations were not met, then concealed dissent rapidly became open conflict.

<sup>38</sup> H. Maxwell-Stewart, "The Bushrangers of Van Diemen's Land", p.114.



their alcohol consumption. Although it was illegal to receive transported felons into licensed premises, or to serve them with drink, it is evident that a number of publicans did exactly that. Recalling a night spent in one of the colony's taverns, the Quaker missionary James Backhouse wrote, "At this place about half-a-score men were intoxicated, whom we judged to be soldiers and assigned prisoner-servants."<sup>39</sup> John Griffiths, publican of the Whale Fishery Hotel in Launceston, was fined the sum of one pound for having had a convict, one William Harris, in his hostelry in January 1834, while Thomas Cummings was fined four pounds, for allowing convict servants Thomas Adey and Thomas Robinson to drink in his hotel later the same month.<sup>40</sup> It is certainly suggestive that when new, more stringent laws regarding the punishment of licensees receiving convicts onto their premises were introduced in 1835, sixteen publicans from the New Norfolk district petitioned the Lieutenant Governor, claiming that such changes would unjustly penalise them, and threaten their livelihoods.<sup>41</sup> Licensees appear not only to have served assigned servants, whose appearance may have made their status unclear, but also men in Public Works gangs, whose dress was more distinctive. Prisoner Edward Burns was apprehended by constables while bringing drink from a public house in Ross to his convict gang who were employed nearby.<sup>42</sup> Indeed, convict John Currie stated in evidence at the trial of Robert Aitkin, licensee of the Saint Andrew's Inn at Perth, that he had never experienced any difficulty in purchasing alcohol, saying:

I am a Transported Offender, and am employed in the Snake Banks Party - I was in Mr. Aitkin's house at Perth on Monday the 18th of April instant - Mr. Aitkin served me with a glass of rum which I drank in the tap room for which I paid 4 pence 1/2 penny, I also had two

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<sup>39</sup> J. Backhouse, *A Narrative of a Visit to the Australian Colonies* (London: Hamilton Adams and Co., 1843), p. 217.

<sup>40</sup> Trial of John Griffiths, 3 January 1834, LC 346/15; Trial of Thomas Cummings, 17 January 1834, LC 346/15.

<sup>41</sup> Petition of the licensed victuallers of New Norfolk, 4 September 1835, CSO 1/630/14260.

<sup>42</sup> Trial of Edward Burns 11 April 1835, LC 83/1.

pints of beer for which I paid six pence each - I then had half a pint of rum - for which I paid 18 pence ... I have been in Mr Aitkin's house before - I have generally had a grey or yellow jacket on when there - I had a Government slop blue jacket on when I was there last - I think Mr. Aitkin knows who I am.<sup>43</sup>

When publicans did question the identity of their customers the response could be violent, as Mrs. Sadler, licensee of the Ross Hotel found when John Rowley, assigned convict to Captain Horton, called in for a glass in 1835: "On Saturday night between 8 and 9 o'clock a man came to the Tap - I asked him what he was [meaning whether he was a free man], he said he'd let me know what he was - he took me by the neck and knocked me down and kicked me when I was down."<sup>44</sup>

Alcohol was also supplied to convict servants by their masters. Beer or spirits were commonly given during periods of intense labour, such as reaping or shearing. This was a practice of long-standing in Britain, where beer or cider was issued, often in considerable quantities, and the supply was frequently a stipulated condition of the workers' payment.<sup>45</sup> Consumption of drink in this context demonstrates the manner in which work and non-work activities still did not exist as fully differentiated realms. Beer, or other alcoholic drink, was used during strenuous labour as it was understood to increase physical stamina, whilst its 'stimulating' effects dulled the sensation of fatigue.<sup>46</sup> Hence in February 1825 Sutherland supplied to his men engaged in the reaping of his crop "an abundance of lifting beer".<sup>47</sup> Excessive drinking in these

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<sup>43</sup> Trial of Robert Aitkin, 25 April 1836, LC 362/3. The grey and yellow jacket described by Currie is the distinctive parti-coloured 'Canary' uniform of Public Works Gangs, the jacket and trousers being half yellow and half black or grey.

<sup>44</sup> Trial of 668 John Rowley, *per Persian*, 21 December 1835, LC 83/1.

<sup>45</sup> R. Hutton, *op. cit.*, pp. 334-5; B. Bushaway, *op. cit.*, pp. 113-4.

<sup>46</sup> A number of scholars have noted the use of drink in this manner in a rural and urban labour situations. See B. Bushaway, *op. cit.*, p. 124; B. Harrison, *Drink and the Victorians* (London: Faber and Faber, 1971), p. 39; M.R. Marrus, "Social drinking in the *Belle Epoque*", *Journal of Social History*, 7 (1974), p. 133; W.R. Lambert, "Drink and work-discipline in Industrial South Wales", *Welsh History Review*, 7 (1975), p. 289.

<sup>47</sup> Journal of J.C. Sutherland, 3-4 February 1825, NS 61. Sutherland engaged in brewing beer on his property, and it seems likely that this beer was used for both his own household requirements and was supplied to his assigned servants. See Journal of J.C. Sutherland, 11 July 1825, 1 December 1825

situations was clearly counter-productive, however, and as alcohol was removed from the industrial workplace, so too it was increasingly limited and watered down in rural work in nineteenth-century Britain.<sup>48</sup> This process can be observed in Van Diemen's Land, where later evidence suggests a less generous allowance was granted by employers, more in line with developing understandings of work discipline. Edward Archer gave his assignees a pint of London Stout each day during the harvest of 1837, while William Brumby slaked his men's thirst with a bottle of wine each per day during the harvest of his crop that year.<sup>49</sup> Although the content of this supply had changed over time, it remained an important form of labour management. In order to stimulate the intensive labour required to bring in the harvest the use of such an immediately appreciable positive incentive was effective, where a resort to negative physical sanctions would not have been, and indeed would have increased the risk of worker resistance and sabotage.

Completion of the harvest was marked on many properties by the granting of a harvest supper to the convict servants. A variety of other traditions marking the end of the harvest had been current in Britain, but became less common during the nineteenth century, and these often highly localised rites do not appear to have been transferred to the Australian colonies.<sup>50</sup> Harvest suppers, however, were given in a similar manner on some properties in Van Diemen's Land as they were in Britain, and formed a further incentive to labour.<sup>51</sup> James Mudie provided a vivid description of such an event on his property in New South Wales in evidence to the Molesworth Committee:

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and 3 February 1826, NS 61.

<sup>48</sup> B. Bushaway, *op. cit.*, pp. 122-23.

<sup>49</sup> Trial of James Gregor and John Fletcher, deposition of William Brighton, 1 February 1837; Trial of 1370 Samuel Miller, deposition of Mrs. Anne Brumby, 10 February 1837, LC 362/2.

<sup>50</sup> For a description of harvest celebrations, such as 'Crying the neck' customs relating to the last sheaf, see B. Bushaway, *op. cit.*, pp. 126-30; R. Hutton, *op. cit.*, pp. 336-42.

<sup>51</sup> For a description of the Harvest-home in Britain see B. Bushaway, *op. cit.*, p. 136; R. Hutton, *op. cit.*, p. 343.

at harvest home ...they had one day given over to them for what they called a jollification; then the dinner was cooked, and as much as the men could eat was given to them; and in fact I, and other persons with me, attended as waiters upon them; then upon these occasions I gave them a certain quantity of spirits, which, of course, I reduced [diluted], and sometimes wine.<sup>52</sup>

This practice had, however, unexpected risks. In March 1823 Adam Amos, District Constable of Swan Port, was informed of the death of a convict named Thomas Hooley, as he noted in his journal;

It appeared on enquiry that last night on the ingathering of the Harvest a supper & Drink had been given & that it was remarked that the Decised [*sic*] eat remarkably harty - having had a Gallon of Rum amongst nine they had all retired to rest ... [Hooley] was found by the Overseer this morning [dead].<sup>53</sup>

The dangers of intoxication also claimed one of Lewis Gilles' rural labourers in 1833. At the trial of William Harris for being drunk and absent with leave, it was revealed that a fellow servant had died as a result of their drinking session. The Constable who had taken the men in described the event:

A little before 9 o'clock on Monday night I found the prisoner in the town [Launceston] - he was drunk & in company with another man & [he] was in the same state, they were both lying down insensibly drunk - his fellow servant has since died from the effects of intoxication on that night.<sup>54</sup>

Liquor trafficking was also conducted among convicts themselves. William Huxley was apprehended in March 1836 returning to Edward Archer's farm with a

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<sup>52</sup> Evidence of James Mudie, 21 April 1837, *BPP* XIX 1837, Report from the Select Committee on Transportation, pp. 32-3. The social inversion of masters serving servants and labourers had been a feature of such celebrations in Britain.

<sup>53</sup> Diary of Adam Amos, 6 March 1823, NS 323/1.

<sup>54</sup> Trial of 1089 William Harris, *per* David Lyon, 30 October 1833, LC 346/15. The deceased convict was not named in the trial, and it has not been possible to establish his identity.

keg containing spirits. The source of the spirits, however, was not disclosed in court.<sup>55</sup> In the trial of assigned men John Ward and William Riley for drunkenness and absenteeism in 1835, it was found that a prisoner named John Markham was retailing rum to other prisoner servants in the neighbourhood. Evidence given before the bench suggested that this was indeed an established practice. Assignee James Sutton stated:

In this last September I fetched Two bottles of Rum from Markham, for which I gave him ten shillings ... Simpson [a fellow servant] got liquor there a fortnight ago last Saturday night ... A Ticket of Leave man named John Cornelius introduced me to Markham for the purpose of buying drink.<sup>56</sup>

The source of the spirits that Markham traded from the door of his hut was not disclosed to the magistrate, and it is by no means apparent where it came from. That the convict may have been not only retailing, but also producing the spirit should be considered.<sup>57</sup> Illicit distilling was reported to be widespread among convicts in New South Wales as early as 1796, and this has been attributed subsequently to the number of Irish convicts in that colony.<sup>58</sup> It seems probable that illicit stills were also operating in Van Diemen's Land throughout the convict period, and that the knowledge of both Irish and Scots convicts fostered this process, as both groups came from cultures in which the unlicensed production of spirit was prevalent.<sup>59</sup>

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<sup>55</sup> Trial of 1592 William Huxley, 22 March 1836, LC 362/3.

<sup>56</sup> Trial of 1882 John Ward, 1041 William Riley and 298 John Markham, 17 November 1835, LC 83/1.

<sup>57</sup> Study of plantation slave labour has revealed that in a similar situation of unfree labour, slaves in Louisiana sugar plantations were able to produce their own alcoholic drinks, in addition to any issued to them by their masters; see E.D. Genovese, *op. cit.*, p. 644.

<sup>58</sup> A.E. Dingle, *op. cit.*, p. 229.

<sup>59</sup> Within the period of this study, convict ships embarking from Irish ports were exclusively sent to New South Wales. However, such was the scale of Irish migration to Britain by this period, that it is doubtful if a single male convict ship was without its' contingent of men born in Ireland. Other Irish convicts were certainly transferred from New South Wales to Van Diemen's Land. As for prisoners convicted in Scottish courts, they were invariably transported on ships embarking from English ports.

Consumption of alcohol was often, like its procurement, a secretive affair. Such glimpses as are afforded by the records do, however, tend to suggest that drinking was an important act of social communion between transportees. Hence, one finds Thomas Gordon, a prisoner servant to Thomas Anstey, caught "drinking rum with Prisoner Runaways whom he had apprehended" in 1837; and when Joseph Archer's servants Edward Belsey and Joseph Pearson absconded in February 1834, they each had a bottle of rum in their possession.<sup>60</sup> Moreover, the evidence suggests that rum was an indispensable aid to amorous male convicts in their pursuit of female servants. In 1832 Thomas Archer's man, William Keaton was apprehended going onto the property of William Archer, with rum for the un-named female servant; George Macintosh was sentenced to fifty lashes in 1830 for harbouring his master's convict maid, Elizabeth Allender, in his hut, and giving her spirits; while in 1835 Ticket of Leave man Robert Fear stumbled on an assignation between Richard Willis' assigned servants, George Dumper and Mary Ann McGee, as they shared a bottle of rum sitting in their master's shrubbery.<sup>61</sup> It is possible that rum was used as a currency in prostitution. Nevertheless, it would be dismissive to represent all similar cases in this manner. Sexual and romantic interests were powerful motives for absence among convicts, both in the cases of visits to long-term partners and more casual liaisons. In some cases such relationships between convicts were eventually solemnised, and in instances where convicts were apprehended in disorderly houses, Reid has shown that these operated not only as brothels, but also 'free-and-easy' places where convict men and women could meet away from the control of their masters.<sup>62</sup>

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<sup>60</sup> 1062 Thomas Gordon, *per Lady Kennaway*; 1622 Edward Bailey, *per Lord Lyndoch*; 787 Joseph Pearson, *per Lord Lyndoch*, Con 31.

<sup>61</sup> 128 William Keaton, *per Countess Harcourt*; 348 George Macintosh, *per Richmond*, Con 31; Trial of 192 Mary Ann McGee and 894 George Dumper, 25 February 1835, LC 83/1. For this improper meeting Dumper was sentenced to one year in Sorell Rivulet Road Party, and Mary Ann McGee was removed to the Female Factory, Launceston, for six months in the Crime Class.

<sup>62</sup> K.M. Reid, "Work, sexuality and resistance; The Convict Women of Van Diemen's Land, 1820-

The places in which alcohol was clandestinely consumed were of considerable importance. Officials and social superiors among contemporaries were particularly damning of the role of sly grog-shops among convicts, describing them as "the rendezvous for thieves ... the receiving houses for their stolen property ...[and] notorious haunts of vice and immorality".<sup>63</sup> For convicts, the function of such places was generally less sinister. The role and importance of taverns as sites of popular culture and subversion has been convincingly established in studies of plebeian societies in other areas.<sup>64</sup> In nineteenth-century rural Van Diemen's Land convicts' huts, their masters' barns, and secluded areas of farms, as well as the colony's inns and sly-grog shops, answered to this purpose. Reid noted in her study of female convicts that these closed sites became important places of entertainment, where male and female convicts met to swap stories, smoke, drink and indulge in other pleasures and comforts generally denied them.<sup>65</sup> More threatening to colonial order was the tendency for such sites, beyond the knowledge and control of employers, to become forums for the expression of dissent. Something of the character of the conversations of convicts drinking in these places is suggested by the tenor of their responses to their masters when they returned to his property. Rather than re-assuming the deferential mask, emboldened by beer and ardent spirits, they often spoke out, voicing otherwise concealed resentments, which now became open resistance. Alcohol was often an

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39", pp. 252-3. The maintenance of contact between lovers and friends on different plantations among slaves in the West Indies and America similarly demonstrates the impossibility of masters entirely controlling the movement of their unfree labour. Slaves travelled several miles to visit others, or attend social occasions; see M. Craton, *Testing the Chains; Resistance to Slavery in the British West Indies* (Ithaca: Cornell University Press, 1982), p. 258 and E.D. Genovese, *op. cit.*, p. 571. Convicts' absenteeism can be interpreted as a similar resistance to the masters' control of their social lives, including their sexual and affectionate lives.

<sup>63</sup> *Cornwall Chronicle*, 16 May 1835.

<sup>64</sup> E.P. Thompson, *The Making of The English Working Class* (Harmondsworth: Penguin, 1991), pp. 63-4; J.C. Scott, *Domination And The Arts of Resistance* (New Haven, Conn.: Yale University Press, 1990), pp. 120-1; C. Ambler and J. Crush, "Alcohol in Southern African Labour History", in J. Crush and C. Ambler (eds.), *Liquor and Labour in Southern Africa* (Athens: Ohio University Press, 1992), p.4.

<sup>65</sup> K. Reid, "Contumacious, ungovernable and incorrigible: Convict women and workplace resistance, Van Diemen's Land, 1820-39", in I. Duffield and J. Bradley (eds.), *op. cit.*, p. 115.

incendiary ingredient in outbursts of convict insolence and aggression towards their employers.<sup>66</sup>

Alcohol can be argued to have served a further less radical function. Drinking allowed convicts temporarily to escape the privations and pain of their immediate situation. It has been well remarked in studies of labouring populations that drinking was resorted to in order to counter feelings of dislocation and distress.<sup>67</sup> Transported convicts were in a similar situation, their lives moved by forces apparently outwith their control. Using alcohol in this manner, however, tended to disempower the assignees, and it is plausible that masters recognised this in tolerating drinking among their servants.<sup>68</sup> Increased consumption has, however, been associated with periods of increased wealth, and therefore the correlation to hardship appears problematic.<sup>69</sup> In rural Van Diemen's Land this is demonstrated in the high rate of offences for drunkenness among ticket-of-leave convicts, who were paid in money as hired labourers. This reflects an evident reality that drink costs money, and therefore those with a cash income had increased access. While this raises the further question of from whence assignees, who were not supposed to be paid, acquired money for drink, it cannot be seen to overturn the assertion that drinking can be related to hardship; increased income need not be understood to ease psychological distress.<sup>70</sup> Maxwell-

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<sup>66</sup> See for example Trial of 230 James Edwards, *per Thames*, 3 May 1836, LC 362/3.

<sup>67</sup> W.R. Lambert, *op. cit.*, pp. 290-2; M.R. Marrus, *op. cit.*, pp. 115-6; C. Ambler and J. Crush, *op. cit.*, p. 2; A.E. Dingle, "Drink and working class living standards in Britain 1870-1914", *Economic History Review*, 25 (1972), p. 622; R.A. Macdonald, *The Economy and Material Culture of Slaves; Goods and Chattels on the Sugar Plantations of Jamaica and Louisiana* (Baton Rouge: Louisiana State University Press, 1993) p. 36.

<sup>68</sup> Ambler and Crush, and Dingle describe the function of drink in this manner, as effectively limiting worker resistance; see A.E. Dingle, "Drink and working class", p. 622; Ambler and Crusher, *op. cit.*, p. 11.

<sup>69</sup> Several scholars have noted the correlation of income and alcohol consumption; see A.E. Dingle, "Drink and working class", p. 615; M.R. Marrus, *op. cit.*, p. 132; W.R. Lambert, *op. cit.*, p. 292; M. Sturma, *Vice in a Vicious Society* (St. Lucia: University of Queensland Press, 1983), pp. 141-2.

<sup>70</sup> It seems probable that assigned servants were paid in cash at certain times, whether for particular tasks or skills. Many convicts also engaged in a black economy, trading items of clothing, food, drink itself, or other available commodities such as kangaroo skins.



Stewart has related the reported rates of assigned convicts' drinking to the low level of supervision to which they were subjected. The sections of the convict population most commonly charged with drink related offences were ticket-of-leave men, assignees and convicts employed in public works.<sup>71</sup> These three groups were those least subjected to very close supervision, and therefore those with the greatest opportunity to engage in clandestine recreational activity, including drinking. Hence the level of alcohol consumption need not be seen to reflect a wave of despair among rural assignees. Whilst it is possible that there were convicts who did turn to alcohol as a constant solace, it is a gross generalisation to suggest, as Hughes has, that the majority of convicts did so.<sup>72</sup> Rather than a section of convict society retreating into alcoholism, rural convicts should be recognised as a group who took advantage of the opportunity their position offered them to acquire alcohol, or to earn money to purchase it.

Drinking among convicts should not be seen as serving only one purpose, and an incident could carry multiple meanings. On 13 September 1836 two convicts, William White and James Shields, assigned to Edward Archer, were brought before the magistrate on a charge of being absent without leave. Archer's overseer William Brighton detailed to the bench how they had been caught by him at night when absent from their own hut, and on the opposite side of the river, beyond their master's property. Brighton stated that when he challenged the men, Shields answered, "I shall go just when I think proper", while his companion White replied, "When I come over here I won't be under the orders of you".<sup>73</sup> This initial offence demonstrates the men's claim to control the time they understood as their own. The magistrate sentenced the two men to fifty lashes each. On the following day the two men were again before the same magistrate in Longford: "Upon the complaint of C.D.C. Hortle

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<sup>71</sup> H. Maxwell-Stewart, "The Bushrangers of Van Diemen's Land", pp. 112-14.

<sup>72</sup> R. Hughes, *op. cit.*, pp. 290-2.

<sup>73</sup> Trial of 1782 William White, *per Arab* and 1533 James Shields, *per Katherine Stewart Forbes*, 13 September 1836, LC 362/3.

with having remained in the Township of Longford yesterday evening from 1/4 past 5 to eight o'clock - & with having been Drunk".<sup>74</sup> This offence can be seen to carry various layers of meanings. It can be seen as a defiant gesture. Rather than returning to their master's farm after the punishment they went into a nearby inn, thus denying completely the success of the flogging in disciplining them. It is significant in this context that their previous offence had demonstrated the men's claim to their own time. More simply, it can be seen that following the sentence to flogging the men turned to drink for consolation, as temporary escape from the harshness of the situation. In this instance it can be seen that alcohol offered the convicts solace, but it was also a gesture of defiance. To attempt to fully dualise the meaning of such conduct as either defiance or despair, is to fail to comprehend its nature.

Tobacco was, like alcohol, a ubiquitous aspect of convict society. Masters of assigned labour commonly used tobacco as an incentive payment, and it circulated illicitly in penal institutions where it was officially proscribed, although it should be noted that convicts employed in certain roles in penal stations did receive tobacco as an incentive. Again, like alcohol, tobacco use has been largely disregarded by historians of convict Van Diemen's Land and New South Wales.<sup>75</sup> Pipe-smoking was a vital part of the convict's working day, affording a means of pleasure that could be carried on throughout labour. Magistrates' bench records commonly refer to convicts smoking whilst they worked. In 1830 Thomas Cooley was brought before the bench on a charge of disobedience, as his overseer described;

I told the Prisoner to get a Bag from the Barn - he had a pipe in his work [meaning while he worked] I desired him not to go near the Barn

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<sup>74</sup> Trial of 1782 William White, *per Arab* and 1533 James Shields, *per Katherine Stewart Forbes*, 14 September 1836, LC 362/3. For this second offence the men were sentenced to three hours in the stocks in Longford. C.D.C. in the above charge denotes Chief District Constable - that he was presenting the charge demonstrates that the men had been apprehended by a constable of the town.

<sup>75</sup> An important exception to this is Walker's study of tobacco smoking between 1788-1914. While his work draws out several important themes, as a survey of a lengthy period it necessarily cannot provide detailed remarks on its' early phases. See R.B. Walker, "Tobacco Smoking In Australia, 1788-1914", *Australian Historical Studies*, 19 (1980), pp. 267-85.

with it - he grunted at me ... he went to the Barn with the pipe altho' I repeatedly told him not [to] - I desired him to come back, he told me not to be alarmed.<sup>76</sup>

It is significant here, that the overseer had no objection to Cooley's smoking as he worked, but only to the supposed risk of fire should he take his pipe into the barn. In the trial of David Leys for insolence, it again emerged that the prisoner was in the habit of smoking while he worked, but it was his leaving his work to go and re-kindle his pipe that had led to his master's complaint.<sup>77</sup> Smoking during labour however, was not an indulgence afforded to men employed in government gangs; Lawrence Smith was placed in confinement for lighting up his pipe whilst employed in the Gordon's Creek road party.<sup>78</sup> Giving tobacco to convict servants as an indulgence was a double edged sword. Denying convicts tobacco as a punishment was certainly felt by them to be a great privation.<sup>79</sup> Convicts could, however, turn the threat of withdrawal of the indulgence on its head; William Ware refused to work in the fields for his master until he had been given tobacco.<sup>80</sup>

Sport and gambling were popular entertainments in Van Diemen's Land, as they were in Britain. Games of chance such as cards and dice remained popular in the colony, and horse racing was attended by both the elite and less formally by the convict population.<sup>81</sup> Other sports were also adopted in the colony: cricket was played,

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<sup>76</sup> Trial of 641, Thomas Cooley, 20 May 1830, LC 362/2.

<sup>77</sup> Trial of 948 David Leys, 4 May 1836, LC 362/3.

<sup>78</sup> Deposition of Samuel Newton, overseer Gordon's Creek Road Party, POL 486 [individual entries in this series are undated].

<sup>79</sup> H. Maxwell-Stewart, "The Bushrangers of Van Diemen's Land", pp. 137-8.

<sup>80</sup> 1057 William Ware, *per York* (2), 3 August 1838, Con 31.

<sup>81</sup> In the early nineteenth century horse racing was a popular form of entertainment, the calendar of meetings often corresponding to local holidays. Although horses were owned by those with money, at a local level farmers, innkeepers and army officers, other competitions with more popular participation accompanied racing in the day's sport. Other entertainments included cock fighting, drinking, donkey races and pipe smoking competitions. See W. Vamplew, *The Turf; A Social and Economic History of Horse Racing* (London: Penguin, 1976), pp. 17-18, 134-41; M. Huggins, "Horse-racing on Teesside in the nineteenth century: change and continuity", *Northern History*, XXIII (1987), pp. 99-103. Other studies have referred to the popularity of racing, and attendant activities

although it seems not by convicts.<sup>82</sup> Football appears not to have made an easy transition to Australia. Among the first games recorded was one in 1829 in Sydney among soldiers.<sup>83</sup> That there is little evidence that convicts played football may reflect the highly localised form of football in early nineteenth-century Britain, which would have posed difficulties where persons from various areas were brought together. It should also be noted that football was often played only on a relatively limited number of days in the year in Britain, and was by no means the everyday popular game it is now. More simply it can also be ascribed to the lack of opportunity for such open entertainment; by its nature much convict recreation appears to have been more secretive. Among sports lending themselves to such circumstances were those blood sports that were also popular in Britain: cock fighting, dog fighting and bare knuckle fighting. Pugilism became increasingly popular in early nineteenth-century Britain, particularly in the industrialising cities.<sup>84</sup> Given the social composition of the convict

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among convicts in Van Diemen's Land, who were often apprehended as absentees at these events; see for example P. McFie, "Dobbers and Cobbers: informers and mateship among convicts, officials and settlers on the Grass Tree Hill road, Tasmania 1830-1850", *Tasmanian Historical Research Association Papers and Proceedings*, 35 (1988), p. 119;

<sup>82</sup> *Cornwall Chronicle* 11 April 1835. The newspaper reported "[The] Cornwall Cricket Club purpose meeting the Macquarie Club at Perth on Saturday the 18th instant. It is extremely gratifying to observe this manly amusement so spiritedly supported". There is no indication that convicts were involved in these cricket matches. See also J. Pollard, *The Formative Years of Australian Cricket, 1803-1893* (Sydney: Angus and Robertson, 1987), pp. 6-25.

<sup>83</sup> References to football in the Australian colonies are limited before the mid nineteenth-century; see J.W.C. Cumes, *Their Chastity Was Not Too Rigid; Leisure Times in Early Australia* (Melbourne: Longman Cheshire, 1979) pp. 147-8. Dunning's study of convict recreation found no reference to ball games among convicts in the 1840-47 period, nor did his sources reveal evidence of blood sports. The lack of reference to blood sports perhaps reflects the character and interests of the authors of the accounts Dunning worked from. They were mainly middle class men from the United States, such as Linus Miller, a lawyer, who may not therefore have recorded this unattractive aspect of popular culture, or may have been excluded from it; see T.P. Dunning, "Convict leisure and recreation: the North American experience in Van Diemen's Land 1840-47", *Journal of the Australian Society for Sports History*, 9 (1993), p. 12.

<sup>84</sup> Pugilism had an uncertain relationship with the more respectable elements of society, although it had earlier attracted Royal patronage, it fell increasingly out of favour in the nineteenth-century and the spectators became predominantly plebeian. Fights were after 1820 held more commonly in growing industrial towns such as Birmingham, Sheffield and Bradford reflecting the nature of the audience; see D. Brailsford, *Bare knuckles; A Social History of Prize-Fighting* (Cambridge: Lutterworth Press, 1988) pp. 23-25 and pp.121-127. See also D. Birley, *Sport and the Making of Britain* (Manchester: Manchester University Press, 1993), p. 155-56 and p. 170; J. Walvin, op. cit., pp. 9-10; G. Stedman Jones, "Working class politics in London, 1870-1900", *Journal of Social History*, 7 (1974) p. 464.

population, it is then perhaps not surprising that pugilism continued in the penal colonies. Karskens' study of early Sydney society has clearly demonstrated the popularity of cock-fights, dog-fights and pugilism as forms of popular entertainment, drawing large crowds of spectators and gamblers.<sup>85</sup> Pugilism was also popular in Van Diemen's Land, and prominent prize fighters emerged from the convict population. Andrew Bates, employed as a convict overseer on public works, was described by the *Hobart Town Courier* as "a well known prize fighter".<sup>86</sup> Bates appears to have pursued this vocation in the colony contrary to convict regulations. In October 1824 he was disciplined for being involved in a pitched battle, whilst on 19 February 1825 he was apprehended fighting near the farm of W. Smith at the Springs, for which he received 50 lashes and was removed from his position as overseer.<sup>87</sup> Important evidence of the continuance of pugilism in the colony is provided by a lengthy, round by round report in the *Launceston Advertiser* of a bout between "Payne the butcher (a prize fighter of the London ring) and our old favourite 'Jack's the Lad'". The fight went to the fifth round, and was won by Jack. Of greatest significance, however, was the newspaper's note that a "liberal purse was collected for the two [fighters]", and that the fight was attended by, "a most numerous company ... on horseback, in gigs and pedestrians".<sup>88</sup> This would indicate a mixed patronage of the sport, and the apparent value of the purse would suggest some wealthy interest in the proceedings. Rural assignees also appear to have staged such events independently; their situation may have tended to maintain necessary secrecy. On 20 November 1834, eight of Thomas Archer's assigned convicts were brought before the magistrate to answer a

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<sup>85</sup> G. Karskens, *op. cit.*, pp.42-3 and p.10.

<sup>86</sup> *Hobart Town Courier* 26 September 1829. That the newspaper should describe him in such terms seven years after his arrival in the colony suggests that he had a considerable reputation and that he was fighting regularly in the colony.

<sup>87</sup> 554, Andrew Bates, *per Phoenix*, 5 October 1824 and 19 February 1825, Con 31.

<sup>88</sup> *Launceston Advertiser*, 30 March 1829.

charge of being drunk and fighting.<sup>89</sup> The precise nature of this offence may be suggested by a similar case brought before the bench at Campbell Town in 1835.

Doctor Pearson described the incident in question:

Yesterday evening I was called out by my overseer saying there was a disturbance amongst the men - I found [Thomas] Hills and James Fenton [convicts] stripped and fighting and the other men in the Hut were looking on and acting as Seconds particularly [William] Rowley and they were all more or less drunk - they were so drunk and disorderly that a Bullock Cart was obliged to be procured to convey them to jail.<sup>90</sup>

While there may well have been a genuine grievance between the two pugilists, Hills and Fenton, several other features of the incident suggest it was more than a simple brawl. That the two men had stripped to the waist, that they had men acting as seconds, that they had an audience, and that the audience were all drunk, speaks more of an organised (or semi-organised) bout, than of a fight that had erupted spontaneously. It seems probable that the audience in this case were also gambling on the outcome, and that the incident on Archer's property in 1834 was of a similar character.

Certain periods of the year provided a focus for convict leisure activity. Convicts employed in the public works were granted holidays on Christmas Day and Good Friday, and those in assigned service generally observed such days also, whether sanctioned by their employer or not.<sup>91</sup> Examination of convict records and magistrates' bench books reveals an increase in absconding and drink related offences during the Christmas and New Year period. On Christmas Day 1834 Joseph Archer's servant Joseph Senior held a Christmas party in his hut, inviting fellow servants

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<sup>89</sup> 1080 Thomas Barker, *Woodford*; 1083 John Bottomly, *Woodford*; 1099 Benjamin Budworth, *Woodford*; 1122 John Cornelius, *Royal George*; 1216 Barnabas Hutchinson, *Eliza*; 1113 Job Rogers, *Dromedary*; 1491 Joseph Wansborne, *Circassian*; 973 William Phillips, *Isabella*, Con 31.

<sup>90</sup> Trial of Thomas Hills, James Fenton and William Rowley, 10 July, 1835, LC 83/1.

<sup>91</sup> Longford Police Copies Of Circulars Received undated [c. May 1835] memo of Chief Police Magistrate Matthew Forster, POL 481.

Richard Thomas, William Perkins, Aaron Dodd and William Butler, as well as two female servants.<sup>92</sup> Thomas Walker's seven assigned men were brought before the magistrate on Boxing Day 1839, to answer a charge of being absent on Christmas night. The men were admonished, except for John Morris who was to receive twelve lashes. At Walker's intercession, however, the sentence was cancelled, suggesting that Walker had some appreciation of the spirit of the season.<sup>93</sup> Less understanding was Thomas Archer, whose prisoner servant Walter Owen received forty-eight hours solitary confinement on bread and water, for a similar offence of being absent without leave on Christmas Day.<sup>94</sup> Good Friday was also observed by assignees as a holiday, as John Robinson complained to the magistrate:

Yesterday morning I desired all the men to set to work - all of them did, except these two [James Harris and John Collins] and three others that they persuaded - I called Collins out of his Hut - he answered very insolently 'What am I to come out for? this is Good Friday and I don't intend to work.' <sup>95</sup>

It was not only in observing these celebrations and holidays that convicts posed difficulties for their employers. On the first of January, 1834, William Barker, John Davis, James Jetson, William Lusher and George Smith were all absent from their labour, and refused to work on Archer's farm, possibly suffering the after effects of celebrating the turn of the New Year.<sup>96</sup> Not all such seasonal festivities were carried on without the consent of the employer. In Britain the provision of Christmas fare and drink to rural workers by their master was an established part of the paternalist

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<sup>92</sup> 1445 Joseph Senior, *per Strathfieldsay*; 470 Aaron Dodd, *per William Miles*; 1085 William Butler, *per Woodford*; 479 Richard Thomas, *per Prince Regent*; 602 William Perkins, *per Bussorah Merchant*, Con 31. It has not been possible to trace the female servants concerned.

<sup>93</sup> Trial of Thomas Cunningham, Alexander Kerr, John Morris, John Bridley, Thomas Lewly, Joseph Howard and John Carrington, 26 December 1839, LC 362/4.

<sup>94</sup> Trial of Walter Owen, 1 January 1840, LC 362/4.

<sup>95</sup> Trial of James Harris and John Collins, 2 April 1836, LC 362/3.

<sup>96</sup> 1701 William Barker, *per Katherine Stewart Forbes*; 389 John Davis, *per Woodman*; 575 James Jetson, *per Gilmore*; 684 William Lusher, *per York (2)*; 1123 George Smith, *per Mary*, Con 31.

relationship,<sup>97</sup> and this practice continued in Van Diemen's Land. Sutherland supplied his servants with an extra joint of meat to roast, a pudding and a bottle of rum for Christmas 1825, whilst on New Years Day in 1827 he gave his men a bottle of rum during their work, and a second bottle with their dinner.<sup>98</sup> Indeed, on the birth of a daughter Lucy in March 1825, he gave his servants a glass of whisky each in the morning, and a bottle at night to drink her health.<sup>99</sup> Such instances of largesse were an important mode of cementing the paternalist bond between the worker and employer, instilling a sense of duty and obligation to the relation of master and servant. In Britain the practice of employers joining the hands in seasonal celebrations was diminished by the increasing social differentiation of farmer and labourer,<sup>100</sup> while in Van Diemen's Land the relationship of employer and assigned servant was more formally tempered by the regulations of penal discipline. In March 1829 William Allardyce had his prisoner servants removed from his service by the magistrates in consequence of his having been apprehended drinking with them, and the assigned man of a neighbouring settler on Christmas Day 1828. Despite Allardyce's appeal that he had not been aware of this offence, and his claims on the spirit of the season, his familiarity with the prisoners was contrary to the perceived demands of order and discipline in colonial society and the prisoners had to be returned to government.<sup>101</sup> It should also be noted that not only was convicts' access to alcohol and the relation of masters and servants

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<sup>97</sup> B. Bushaway, *op. cit.*, pp. 128-30.

<sup>98</sup> Journal of J.C. Sutherland, 25 December 1825, 1 January 1827, NS 61.

<sup>99</sup> Journal of J.C. Sutherland, 30 March 1825, NS 61. The precise nature and quality of this 'whisky' seems open to question; whisky was being distilled in Van Diemen's Land at this time. R.M. Hartwell, *op. cit.*, pp. 148-49, states that such whisky was in fact raw spirit. Given that the first legal distillery in Van Diemen's Land began production in 1822, if the spirit Sutherland supplied was of colonial origin it would be much less mature, and possibly rather rougher than the contemporary palate might appreciate. It is perhaps more likely that the spirit was imported from the Cape Colony or from Bengal, although again this may have been of dubious character.

<sup>100</sup> B. Bushaway, *op. cit.*, p. 135; A. Armstrong, *Farmworkers: A Social And Economic History 1770-1980* (London: Batsford, 1988), pp. 58-60.

<sup>101</sup> Correspondance relating to the removal of William Allardyce's assigned servants, January-March 1829, CSO 1/380/8625.



subject to official control, but individual settler's use of alcohol could also attract official censure. The Board of Assignment ceased allocating convict servants to Temple Pearson in 1834, on the grounds that, "he was by no means temperate in his habits". Under such circumstances it was considered that he was not a fit example for prisoners under sentence.<sup>102</sup>

Oral culture remains the most elusive aspect of convict recreation, but would have been the most universal, and therefore cannot be discounted. Much of it was perhaps of a trivial nature, like the conversation Richard Lawson reported between his assigned men and hired workers when they were idle at his harvest; he found the men sitting under a tree discussing horse racing.<sup>103</sup> Maxwell-Stewart's work on Davis' convict narrative reveals, however, a more important layer of meaning in convict oral culture.<sup>104</sup> Davis' narrative was written in 1843 on commissariat order forms on Norfolk Island, and describes a series of events at Macquarie Harbour Penal Station in the 1820s. Davis relates various significant convict events at Macquarie Harbour including an escape led by a black convict John Gough.<sup>105</sup> This narrative acquires a new texture when it is recognised that it is not a simple recounting of events, but a carefully shaped account.<sup>106</sup> Maxwell-Stewart concluded that "Davis' tale is not an unproblematic account of life in a colonial penal station ... [it is] a convict

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<sup>102</sup> Memorandum of Josiah Spode, Chief Superintendent of Convicts, 25 August 1834, CSO 1/598/13671.

<sup>103</sup> Deposition of Richard Lawson re: Bamforth and Johnston, POL 486 [individual entries in this series are undated].

<sup>104</sup> Dixon Library DLMS Q168 Memoranda by Convict Davis Servant to Mr Foster, Superintendent of Convicts, Norfolk Island 1843; H. Maxwell-Stewart, "The search for the invisible man: Davis' convict narrative", unpublished paper delivered to Department of English seminar series, University of Tasmania, Hobart, August 1998. I am grateful to Dr. Maxwell-Stewart for supplying me with a copy of this paper.

<sup>105</sup> Duffield has traced the convict career of John Gough who led this outbreak, and shown Gough to have been involved in a number of instances of open resistance and challenge to the penal authorities. This makes Gough a significant figure to have been commemorated in convict culture. See I. Duffield, "The life and death of 'Black' John Goff: Aspects of the black convict contribution to resistance patterns during the transportation era in eastern Australia", *Australian Journal of Politics and History*, 33 (1987) pp. 30-44.

<sup>106</sup> H. Maxwell-Stewart, "The search for the invisible man", pp. 3-13.

representation of the cruelty and stupidity of penal regimes: a counter-vision".<sup>107</sup> Moreover Davis' narrative appears to be a transcription of sundry oral tales, and therefore demonstrates the oppositional and satirical content of convict culture. Related themes of social inversion are current in the surviving poetry of the convict Frank Macnamara, who was re-transported to Van Diemen's Land from New South Wales in 1842. In *A Convict's Tour to Hell* the poet imagines judgement day, upon which he is admitted to heaven, while the colonial governors, magistrates, police, flagellators and overseers are damned to hell.<sup>108</sup> Such millenarian visions of society were deeply meaningful for those in the convicts' situation.<sup>109</sup> Although Macnamara's work survives in written form, it was, like Davis' narrative originally delivered orally. The currency of such material is certainly significant. Themes of the reversal of prevailing power relations have been found to be an important aspect of the cultural traditions of many societies in which such a situation of domination has existed.<sup>110</sup> Moreover studies of the culture of plantation slave societies have demonstrated the currency and importance of dissenting storytelling and songs among slave

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<sup>107</sup> *Ibid.*, p. 16.

<sup>108</sup> B. Reece, "Frank the Poet" in B. Reece (ed.), *Exiles from Erin; Convict Lives In Ireland and Australia* (London: Macmillan, 1991) pp. 175-81.

<sup>109</sup> Study of convicts' religious culture has demonstrated that such millenarian beliefs formed an important strand of convicts' faith and world view. Adopting this understanding allowed the convict to subvert the processes of discipline that were operated against them, and inverted definitions of right and wrong. See H. Maxwell-Stewart and I. Duffield, "Beyond Hell's Gates: Religion at Macquarie Harbour Penal Station", *Tasmanian Historical Studies*, 5 (1997), pp. 90-93.

<sup>110</sup> J.C. Scott argues that it is within popular cultural forms, such as song, that the hidden dialogue of subordinate dissent is expressed in public; see J.C. Scott, *Domination and the Arts of Resistance*, pp. 18-19. Note also that Hobsbawm's theory of social banditry describes the formation of the bandit myth in popular cultures as a vital aspect of that form of resistance. While Hobsbawm's model of social banditry remains problematic, his recognition of the cultural phenomenon is relevant here. It could be argued that the social bandit is only ever a cultural phenomenon, and one would be tempted to consider that it was along such lines that convict spoken culture shaped its escapee heroes. See E. Hobsbawm, *Bandits* (London, 1969), pp. 109-15. This point is also developed but with more depth and sophistication in G. Seal, *The Outlaw Legend: A Cultural Tradition in Britain, America and Australia* (Cambridge: Cambridge University Press, 1996), *passim*.

populations.<sup>111</sup> Dunning's finding that convict society did not generate a culture comparable to that of plantation slaves requires revision.<sup>112</sup>

In the introduction to their study of Australian bush ballads Stewart and Keesing conceded that there was little or nothing that remained which could be attributed to the convict period, most having been reshaped, or entirely composed in the later nineteenth century as part of the thrust of nationalism that, as Australia became increasingly urban, focused on the bush.<sup>113</sup> It must be recognised, however, that this does not deny the currency of a canon of songs among the convict population.<sup>114</sup> The greater part of the convict population came from cultural backgrounds in which song was a significant part. This is as true of English and urban convicts, as it is of Irish and Scottish, or rural convicts.<sup>115</sup> Street singers and balladeers were an important feature of urban plebeian culture, while song was a central aspect of the expressive culture of rural areas. Ballads, while perhaps often assumed to be part of a conservative tradition, could also convey radical ideas, and suggest an alternative moral view.<sup>116</sup> Nor was singing confined to recreational time, but was also common during work, easing boredom or alleviating loneliness. While many of the songs that may have been sung would have focused on Britain, and indeed recent work on

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<sup>111</sup> E.D. Genovese, *op. cit.*, pp. 581-4.

<sup>112</sup> T.P. Dunning, *op. cit.*, pp. 12-13.

<sup>113</sup> D. Stewart and N. Keesing, *Australian Bush Ballads* (Sydney: Angus and Robertson, 1955), pp. vi-xi. Waters also makes the point that despite the reported prevalence of popular song in the early period little has survived in direct form from the convict period; see E. Waters, "Ballads and popular verse", in G. Dutton (ed.) *The Literature of Australia* (Ringwood: Penguin, 1985) pp. 293-4.

<sup>114</sup> Dunning's study of convict recreation in the probation period showed singing to be a common source of diversion and amusement among ganged convicts. See T.P. Dunning, *op. cit.*, pp. 11-12.

<sup>115</sup> Work on the music hall in popular culture in early nineteenth-century Britain has demonstrated not only the popularity of song, but has suggested that the songs of the early music hall and street balladeers constructed a separate moral discourse, inverting social realities. See P. Bailey, "Conspiracies of meaning: music hall and the knowingness of popular culture", *Past and Present*, 144 (1994), pp. 138-45; Buchan has also remarked on the social inversion of rural song, see D. Buchan, "The expressive culture of nineteenth century Scottish farm servants", in T.M. Devine (ed.), *Farm Servants and Labour in Lowland Scotland* (Edinburgh: John Donald, 1988), pp. 230-1.

<sup>116</sup> I. Dyck, "Towards the 'Cottage Charter': The expressive culture of farm workers in nineteenth-century England", *Rural History*, 1 (1990), pp. 95-99.

tattooing has only emphasised the impact of exile on transported convicts,<sup>117</sup> it can also be argued that as a means of retelling stories, songs and ballads would have rapidly incorporated elements from their colonial experience, and may have celebrated similar acts of defiance as did Davis' narrative.

Nineteenth-century ruling class and moral entrepreneur discourse on convicts and convictism allowed little space for the humanity of the persons so defined. Convicts arriving in the Australian colonies were understood by their superiors to be basely criminal, a class separate from and below moral society. On arrival the process of classification continued, descriptions and measurements were taken, and degrees of worth or worthlessness assigned to each individual as they were placed into various labour roles in the colony. To some extent the historiography of convict Van Diemen's Land and New South Wales has perpetuated this construction. Scholars have focused on understanding the convict system as it developed over the period of transportation, in apprehending the convict on the basis of his or her crime, their place of origin, or their trade. There has been limited recognition of the convict as an individual or of social bonds among convicts, although as the study of tattooing has revealed, the evidence for a reorientation lies within the same sources. In this chapter the evidence drawn upon has come from the records of the Van Diemen's Land penal and judicial bureaucracy. Nor is the study of convict culture, or leisure by any means trivial. Within the enclosed spaces of non-work time, it has been shown that the remaining evidence reveals, if necessarily in a fragmented manner, a recreational

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<sup>117</sup> see H. Maxwell-Stewart and J. Bradley, "Behold the Man; Power Observation and the tattooed convict", *Australian Studies*, 12 (1997), esp. pp. 85-6; J. Bradley and H. Maxwell-Stewart, "Embodied explorations: investigating convict tattoos and the transportation system", in I. Duffield and J. Bradley (eds), *op. cit.*, esp. pp. 195-96; H. Maxwell-Stewart and J. Bradley, "Convict tattoos; tales of freedom and coercion", in M. Field and T. Millett (eds), *Convict Love Tokens; The Leaden Hearts the Convicts Left Behind* (Adelaide: Wakefield Press, 1998), esp. pp. 50-1. Maxwell-Stewart and Bradley describe the tattooing of convicts with strings of initials or other devices relating to their past as a form of spatial and emotional mooring. Other convicts were tattooed with more explicit references to the fear and pain of transportation, such as 'Oh spare my life'. See also D. Kent, "Decorative bodies: the significance of convict tattoos", *Journal of Australian Studies*, 55 (1997) pp. 81-84. The impact of exile is also demonstrated by the inscriptions on convict love tokens, engraved pennies given by transportees as tokens of remembrance to family and lovers; see T. Millett, "Leaden hearts", in M. Field and T. Millett (eds), *op. cit.*, pp. 5-30.

culture that sustained resistance. While the study of convict leisure is by its very nature problematic, as much of it went unrecorded, or unknown to masters or colonial authority, it is an area of the utmost importance, for it is not possible to understand the open, on-stage behaviour of the convicts, if one does not begin to consider their hidden, off-stage dialogue and actions. Here, the mundane offences and evidence of witnesses in lower court records, reveal many glimpses of what was normally hidden. This covert culture was vivid and certainly a resource to the convicts themselves, with which they were able to modify the experience of transportation. At the same time, as has been shown, there was room for intelligently paternalistic masters to manipulate aspects of this culture, such as drinking, to their own advantage.

## Chapter 7

**"No man shall Keep me from a Woman unless he puts me in Gaol":**

### **Love, Sex and Male Convicts in Van Diemen's Land**

On Friday 3 September 1830 convict Mark Woodrosse was brought before the magistrates' bench at Norfolk Plains by his assigned employer, Abraham Walker. Woodrosse was charged with insolence and disorderly conduct on the previous night. Abraham Walker described the incident:

Last night about 9 o'clock when I came round my premises I found the Prisoner [Woodrosse] on the inside of the fence which divides my Establishment from the men's huts in conversation with my female Servant, I asked him what he was doing he said nothing no harm - I told him he had no business here, I told you so before, and I should punish you if I found you here again after I had warned him not to be there, he persisted in saying he was doing no harm, & I might punish him if I liked, he was perfectly well aware that he ought not to be there - I told him I would take him before a Magistrate, he said he might flog him if he liked that would not Keep him away.

Malcolm Laing Smith, the magistrate presiding, sentenced the convict to twenty-five lashes. Woodrosse responded to the sentence by stating; "No man shall Keep me from a Woman unless he puts me in Gaol". The magistrate stopped short of placing the prisoner in gaol, but sentenced him to a further twenty-five lashes for his insolence.<sup>1</sup>

Woodrosse's offence is one example of the generally under-researched and unrecognised area of male convicts' sexuality. When one sets out to explore the intimate lives of male transportees, one is met with silences in the historical record, or with essentialised and moralised visions of their depravity. Male prisoners' relations with female convicts are often represented as solely domineering, exploitative and oppressive, while fear and disgust at allegedly widespread homosexuality among the men was increasingly voiced from the 1830s. Understandings of the sexuality of such convicted men were reified in late nineteenth-century criminal anthropology. Havelock

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<sup>1</sup> Charge against Mark Woodrosse, *per Hibernia*, 3 September 1830, LC 362/2.

Ellis considered that prisoners had a particularly pronounced appetite for "all forms of sexual excitement, natural and unnatural ... the prison, in which the criminal is confined alone, or with persons of the same sex, serves to develop perverted sexual habits to a high degree".<sup>2</sup> Such images have tended to remain unchallenged in the historiography of male transportation. Prurient passages in Robert Hughes' *The Fatal Shore*, and uncritical discussion of contemporary material in John Hirst's *Convict Society and Its Enemies* have, for example, done little to contest such representations.<sup>3</sup> Contemporary visions of women convicts were more heavily sexualised than those of the men, and such representations have also generated justified criticism in the more recent historiography of transported women.<sup>4</sup> Recent writing on female convicts, however, has not only deconstructed such images, revealing convict women's

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<sup>2</sup> Havelock Ellis, *The Criminal*, (London, Walter Scott, 1890), pp. 144-5. Havelock Ellis' described this work as a synthesis of the writing in the field of criminal anthropology in the previous two decades since it had emerged. One of the principal authorities Ellis had recourse to was Cesare Lombroso, whom he subsequently met in Rome in 1894. While Ellis attempts in his writing to indicate areas of difference with Lombroso, the two in fact wrote in the same tradition. See for example, C. Lombroso, *Criminal Man*, (London, Putnam and Sons, 1911), pp. 40, 64-5, 232. Havelock Ellis is principally known as a pioneering and eminent sexologist, publishing widely in this area. Ellis also, however, has an interesting Australian connection, having spent two years in rural New South Wales as a teacher before returning to England in 1879. His experiences as a teacher at Sparkes Creek, and later as a private tutor, formed the basis of his only fictional work, *Kanga Creek: An Australian Idyll* (Waltham: Golden Cockerell Press, 1922). This work was originally written in 1884 on the encouragement of Olive Schreiner. Ellis' own intimate life was unconventional. Edith Lees, his wife, was, like Olive Schreiner, a lesbian. While the two remained married, during their married life both maintained extra-marital relationships that may have extended to sexual intimacy. See P. Grosskurth, *Havelock Ellis, A Biography* (London: Allen Lane, 1980), pp. 20-48, 115-184; A. Calder-Marshall, *Havelock Ellis, A Biography* (London: Hart-Davis, 1959), pp. 77-111.

<sup>3</sup> R. Hughes, *The Fatal Shore* (London: Harvill, 1996), pp. 264-5; J.B. Hirst, *Convict Society and its Enemies* (Sydney: Allen and Unwin, 1983), pp. 200, 211. Such passages are indicative of the general treatment of male prisoners' intimate lives, often either conspicuously missing in any real way, as in A.G.L. Shaw, *Convicts and Colonies* (London: Faber and Faber, 1966), or only discussed in terms of homosexuality and marriage, both commonly represented as sites of grossness and violence. This vision of course reflects the preoccupations of contemporary colonial authorities and their uncritical reproduction by later historians.

<sup>4</sup> M. Sturma, "Eye of the beholder: The stereotype of women convicts, 1788-1852", *Labour History*, 34 (1978), pp. 3-10; K.M. Reid, "Work, Sexuality and Resistance; the Convict Women of Van Diemen's Land 1820-39", unpublished PhD Thesis, University of Edinburgh (1995), pp. 8-35. Reid persuasively describes the reproduction of contemporary moral/sexual denunciation of female transportees in more recent Australian historiography.

sexuality as a field of state and employer discipline, but has reclaimed their sexuality as a site of autonomy, self-assertion and resistance.<sup>5</sup>

Advances in female convict historiography on these matters have not been paralleled in scholarly writing on male convicts. This presents a rather unbalanced understanding of sexuality in convict society. Indeed, to some extent, those re-examining female convict sexuality have tended to play down the resistant nature of male prisoners' sexual lives. Joy Damousi argues that:

Convict women often openly defied the boundaries of sexuality, morality and femininity prescribed by the authorities. *The assertion of female sexuality was itself a form of resistance.* This took place most explicitly in three forms: as prostitutes; as assigned servants engaged in sexual acts; and as lesbians. With the exception of homosexual acts, such sexualised disruptions to established boundaries did not characterise male forms of resistance.<sup>6</sup> [Author's emphasis]

While Damousi, then, suggests the possibility of a revised understanding of male-to-male relationships among convicts, her position also denies the broader importance of the everyday intimate and sexual lives of male prisoners under assignment or on a ticket-of-leave. Although this area was not perhaps of such characteristic importance among male challenges to penal discipline as, following Damousi's argument, among convict women, the assertion of male sexuality must also be considered as a form of resistance and an area of considerable significance. Raymond Evans and Bill Thorpe have recently argued that convict men as well as women were subject to a sexualised mode of discipline, the assertion of a hegemonic masculinity.<sup>7</sup> Their argument demonstrates convict discipline as the exercise of 'gentry masculinity' dominance; the enforcement of a specific set of ideals of masculinity. More precisely, the power-

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<sup>5</sup> K.M. Reid, *op. cit.*, pp. 239-52; J. Damousi, *Depraved and Disorderly; Female Convicts, Sexuality and Gender in Colonial Australia* (Cambridge: Cambridge University Press, 1997), pp. 7-111 *passim*; K. Daniels, *Convict Women* (Sydney: Allen and Unwin, 1998), pp. 148-156 & pp. 156-184.

<sup>6</sup> J. Damousi, *op. cit.*, p. 66.

<sup>7</sup> R. Evans and B. Thorpe, "Commanding men: masculinities and the Convict System", *Journal of Australian Studies*, 56 (1998), pp. 17-34.



relations effect of gentry masculinity tended to feminise convict men. This affected not only the standards of conduct enforced, but also informed the infliction of punishment. Evans and Thorpe describe flogging as an emasculating process, in which the prisoner was reduced to a subordinate, ultra-vulnerable, indeed feminised role, while the authorities inflicting the punishment conversely grew in masculine power and authority.<sup>8</sup> Convicts did resist this process: some men refused to cry out or be broken on the triangle as the lash was laid on.<sup>9</sup> Resistance is, however, mostly absent from Evans and Thorpe's account. This chapter sets out to examine the sexual lives of male convicts as an important challenge to the control of the colonial authorities.

Male convict bodies were masculine and sexual; while colonial authorities attempted to regulate the convict body, convicts' explicit insistence on their sexual being could be a shocking and destabilising challenge. It has been noted in the scholarly literature on female convicts that their femininity was an important site of discipline. Head shaving in the female factories was a particular assault on the women's feminine identity.<sup>10</sup> The clothing issued to women in the Female Factories also denied them the possibility of expressing their femininity. These measures were contested by the women; oppositionally, a thriving trade in clothing developed.<sup>11</sup> Perhaps the most graphic resistance of women to the denial of their femininity and sexual identity came in 1838, during Lieutenant Governor Franklin's visit to Cascades Female Factory, in Hobart. When the Lieutenant Governor addressed the assembled women, they turned, and bending over, lifted their skirts exposing their bare buttocks to him. The scene appears more shocking as the collected women are said to have

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<sup>8</sup> *Ibid.*, pp. 23-4.

<sup>9</sup> *Ibid.*, pp. 25-6. See also R. Hughes, *op. cit.*, pp. 429-30. 'Iron men' who could withstand a flogging in this way were presumably always outnumbered by those who could not.

<sup>10</sup> J. Damousi, *op. cit.*, pp. 85-9; K. Daniels, *op. cit.*, pp. 112-16. Daniels notes that head shaving ceased to be a common form of punishment in Van Diemens Land after 1830. Thereafter, in line with developing ideas of reforming female prisoners, the hair was cut, but not shaved. This was supposed to instil ideas of order and cleanliness, rather than act as a punishment.

<sup>11</sup> G. Karskens, *The Rocks; Life in Early Sydney*, *op. cit.*, p. 153. Karskens notes that from the earliest period convicts attempted to acquire and maintain finer clothing for social events and Sundays.

slapped their bare behinds.<sup>12</sup> Male convicts were similarly disciplined in a manner to deny their sexual identity. Evans and Thorpe have described flogging as emasculating,<sup>13</sup> and it can also be considered that attempts to control their contact with sexual partners challenged their masculine identity. Within this context the convicts' statement of their sexuality could become a potent challenge to authority. In February 1836 Thomas Gregory indecently exposed himself to two women, Frances Doyle and Jane Ashley. As Frances Doyle recounted:

this morning about 11 o'clock Mrs. Ashley and I were going past where this man was at work he had his trousers down [and] his private parts were uncovered and he called out to Mrs. Ashley 'Come here! Come here!' - Mrs. Ashley and I were going on and he exposed his private parts again and called out to her again and laughed.<sup>14</sup>

Gregory's action may have been motivated by the sexual excitement he derived from exposing himself to the two women, yet his demeanour during the incident perhaps suggest that it was to him something rather more insolent. His exposure of himself to the women was a challenge to prescribed relations in the colony. Whatever Thomas Gregory's understanding of his conduct, the magistrate recognised it as a gross transgression of decency, and sentenced him to three months' hard labour in chains, and removed him from his master's service.

Although colonial authorities sought to regulate contact between the sexes as far as possible, this was often an impossible task. Male and female convicts were determined in their efforts to establish and maintain a world beyond the control of the penal authorities and their assigned masters. Contact with the opposite sex was an important aspect of convicts' lives. Assigned convicts employed in both rural and urban situations were frequently apprehended with members of the opposite sex in

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<sup>12</sup> J. Damousi, *op. cit.*, pp. 59-60.

<sup>13</sup> R. Evans and B. Thorpe, "Commanding men: masculinities and the Convict System", pp.23-4.

<sup>14</sup> Trial of Thomas Gregory, *per John Barry*, 8 February 1836, LC 362/3.

various settings. Kirsty Reid has argued that "sexual and romantic interests were powerful motives for absence" among female convicts, noting that male prisoners' quarters were a particular draw on absentee women.<sup>15</sup>

Similarly, convict records reveal that convict men were frequently caught as they attempted to pursue female prisoners. In 1828 William Bull was disciplined for keeping up correspondence with Frances Potts, a female assigned servant; in 1836 Edward Harvey found himself before the magistrate charged with being out after hours, and in the company of an unnamed female servant; whilst in 1837 George Russell received twenty-five lashes for "disorderly conduct in having been concealed in his Master's Female Servants bed room".<sup>16</sup> Although it is not clear how George Russell was hidden, in other similar instances men were hidden beneath the bed by convict women, and in at least one instance a lover was hidden up the bedroom chimney.<sup>17</sup> Convict men clearly spent a considerable amount of time in their attempts to attract female company, exposing themselves to the risk of punishment in doing so. In February 1837 Peter Lewly was sentenced to fifty lashes for disobedience of orders and neglect of duty; Lewly's master Edward Archer informed the bench:

Last Sunday the prisoner came over the River contrary to my orders and I found him walking to and fro in the garden evidently trying to attract the attention of the female servants - I went into the garden and endeavoured to catch him but he ran away very quickly without any appearance of illness - although for the two days previous he had remained in his hut under the pretence of being disabled from working by boils.<sup>18</sup>

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<sup>15</sup> K.M. Reid, *op. cit.*, pp. 252-3.

<sup>16</sup> 796 William Bull, *per Grenada & Nereus*; 1959 Edward Harvey, *per Norfolk*; and 980 George Russell, *per Arab (2)*, Con 31.

<sup>17</sup> K. Reid, "'Contumacious, ungovernable and incorrigible': Convict Women and Workplace Resistance, Van Diemen's Land, 1820-39", in I. Duffield and J. Bradley (eds.), *op. cit.*, p. 116.

<sup>18</sup> Charge against 818 Peter Lewly, *per Moffat*, 1 February 1837, LC 362/3.

Charles Bessall demonstrated rather more persistence in his efforts to entice out his master's female servants, as John Blackwell, free overseer, explained to the bench:

Last Sunday evening at about 1/2 past eight I heard that the prisoner was throwing bits of sticks at the window of the Female Servants apartment trying to induce them to come out - one of the women came out - she saw me and pretended not to know who it was that had been throwing the sticks - I desired the Prisoner to go back to his hut - in about an hour after I found him out again - and again desired him to go back to his hut - he said he would not ... I collared him and he struck me immediately and knocked me down.<sup>19</sup>

Other prisoners were perhaps more successful in their courting of female convicts, being caught alone with women. In February 1835 Mary Ann McGee and George Dumper were found sitting together in their master's shrubbery drinking Rum, and in January 1830 George MacIntosh was sentenced to fifty lashes after he was caught with his employer's female servant Elizabeth Allender in his hut.<sup>20</sup> Edward Archer's assigned servants Thomas Jones and Sarah Venables suffered the indignity of being apprehended in bed. Sarah was charged with "having had Thomas Jones in her bedroom last night in a state of nudity", while Thomas was brought before the bench for "gross mis-conduct in having been in the bed-room of his [master's] female servant ... last night naked & for improper purposes & with general idleness".<sup>21</sup> The charge of idleness presumably related to Jones' general conduct, rather than the immediate circumstances of his arrest in bed.

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<sup>19</sup> Charge against Charles Bessall, *per Andromeda*, 27 December 1836, LC 362/3. In the bench book Bessall was initially recorded as sentenced to one hundred lashes, but this was scored out and the sentence of fifty lashes written in. It is significant that this and the previous offence occurred on a Sunday evening - Sunday was a day convicts generally did not work, and was therefore unofficially given over to their recreation. Certain recreations, as here, attracted official censure.

<sup>20</sup> Charge against 192 Mary Ann McGee, *per Platina*, and 894 George Dumper, *per Stakesby*, 25 February 1835, LC 83/1. McGee was sentenced to six months in the Crime Class at Launceston Female Factory, and Dumper was sentenced to twelve months at hard labour in Sorell Rivulet Road Party, and dismissed from his master's service. See also 348 George MacIntosh, *per Richmond*, Con 31. MacIntosh received fifty lashes for his offence.

<sup>21</sup> Charges against Sarah Venables, *per Hector*, and 914 Thomas Jones, *per Asia* (4), 25 June 1839, LC 362/4.

While such instances can be presented in a light-hearted way, they do establish an important point. Examples of male convicts disciplined for offences of this nature demonstrate that men did indeed continue to assert their sexuality as transported prisoners. Advancing from Damousi's proposition that the assertion of women's sexuality was a form of resistance to colonial authority, it can be considered that this male activity was also a mode of resistance. Certainly, the men as much as the women can have been in no doubt of the likely consequences if detected.

It is important in considering male-female convict relationships to ask whether these were consensual, or whether in fact they represent the oppression of female prisoners, subordinating them to male desire. If one focuses on the selection of brides from the Female Factories, then it seems difficult to argue for any form of courtship or consent. The selection by male prisoners of women from these institutions was a source of some fascination for contemporary observers. Describing such an occasion in New South Wales, James Mudie, a free settler, stated that the women were "turned out, and they all stand up as you would place so many soldiers, or so many cattle".

The male convict:

Goes up and looks at the women, and if he sees a lady that takes his fancy, he makes a motion to her, and she steps on one side; some of them will not, but stand still, and have no wish to be married, but this is very rare.<sup>22</sup>

While reports of this practice have loomed large in the understanding of convict courtship, they do not represent the full experience. Numerous convicts maintained relationships whilst in assignment, often without either the consent or (until detected) knowledge of their master, as the examples cited previously have shown. The content

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<sup>22</sup> Evidence of James Mudie to the Select Committee on Transportation, 1837. Cited in J Damousi, *op. cit.*, p.53. Damousi does not note the important point that Mudie, a former substantial land holder in New South Wales who had employed convicts on his estate, was a strong advocate for the continued subordination of transportees. His ideas of the debased nature of the convict population doubtless informed his descriptions of convict courtships. See J. Mudie, *The Felonry of New South Wales* (London, 1837; edition used London: Angus and Robertson, 1965), pp. 1-7.

of such relationships is hard to uncover. In some cases it may certainly be true that there was an element of coercion, or that the women involved were engaged in prostitution.<sup>23</sup> Nor can it be denied that violence occurred between men and women; domestic violence was not, however, limited to the convict population in the Australian colonies in this period. This chapter does not seek to minimise such incidents, but to explore the more frequently obscured aspects of convicts intimate lives. In marriage the gains and security afforded to women have been argued to have been the key motivation. Convict women who married free men, or prisoners holding their ticket-of-leave, ceased in most practical ways to be convicts. Alan Atkinson argues that "when the advantage was so obvious it is hard to believe that this was not the principal motive of many women".<sup>24</sup> Such arguments tend to leave male motivations in marriage unexplored, leaving the assumption that men married solely for domestic and sexual services unchallenged. The dualisation of men as unaffectionately sexual, and women as economic and rational in entering marriage is unsatisfactory. Not all relationships between convict men and women can be framed in such terms. It is mistaken to assume that convicts were immune from emotional attachment; in very many cases convicts bore on their bodies memorials to wives, children and lovers, in the form of tattoos.<sup>25</sup>

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<sup>23</sup> Although female convicts and ex-convicts were often deemed to be prostitutes, it is difficult to establish in any meaningful way how many ever were engaged in this activity. As a tactic of economic survival women may have sold sex from time to time in the colony, a practice also extant among economically vulnerable women in Britain in this period. See K. Daniels, *op. cit.*, pp. 198-204.

<sup>24</sup> A. Atkinson, "Convicts and courtship", in P. Grimshaw, C. McConville, and E. McEwen (eds.), *Families in Colonial Australia* (Sydney: Allen and Unwin, 1985), p. 23.

<sup>25</sup> Alan Atkinson has argued that affection was not an important element in convict marriage choice. The rapidly growing historiography of convict tattooing however, demonstrates that many were marked with the initials, names, or illustrations of family and lovers. See A. Atkinson, *op. cit.*, pp. 26-7 and H. Maxwell-Stewart and J Bradley, "Behold the man: Power, observation and the tattooed convict", *Australian Studies*, 12 (1997), pp. 81-90. While such designs may have come after marriage, indicating that affection had developed, but not been a factor in marriage choice, it can also be considered that tattoos depicting the initials of unmarried partners suggest an emotional rather than calculated attachment. Given that love had such currency, it is perhaps difficult to fully discount it from marriage choice.

Lawrence Stone influentially argued in his work that notions of romantic love were principally propagated as a discourse of the eighteenth-century elite. Stone described the elements of romantic love as the idea that there was one person in the world for an individual; love struck at first sight of this ideal person; love was the most important consideration, to which all others should be sacrificed; and that giving the fullest expression to these feelings was acceptable, no matter how absurd it may seem. These notions were, he considered, popularised in the eighteenth century by the publication of a large number of novels and poems on romantic themes.<sup>26</sup> Such ideas however, had only limited influence on the lower social orders, and Stone's analysis tends to leave plebeian relationships characterised as distant, brutish, and unfeeling. This depiction is unsatisfactory. The idea of romantic love - or anyway affectionate relationships- has a far longer history than Stone would suggest, being expressed in traditional ballads, and in the symbolism of courtship of the rural population.<sup>27</sup> Karskens' study of the early community in the Rocks in Sydney argues that while there was a pragmatic element in many plebeian marriage choices, these relationships were often also sites of genuine affection and strong intimate feeling.<sup>28</sup> Historians have tended to deny the affectionate feelings of working-class relationships generally,

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<sup>26</sup> L. Stone, *The Family, Sex and Marriage in England 1500-1800* (London: Weidenfeld and Nicolson, 1977), pp. 282-4.

<sup>27</sup> J.R. Gillis, "Married but not Church'd: Plebeian sexual relations and marital non-conformity in eighteenth-century Britain", in R.P. Maccubbin (ed.), *'Tis Nature's Fault; Unauthorised Sexuality During the Enlightenment* (Cambridge: Cambridge University Press, 1987), pp. 31-2. Gillis argues that romantic love and passion were emotions that were certainly expressed by eighteenth-century novelists, but were not invented by them.

<sup>28</sup> G. Karskens, *op. cit.*, pp. 90-1. Karskens cites the example of Cumberland Street publican James New and his wife Jane, a convict. Jane twice escaped from the female factory to be with her husband, and in 1827 wrote to him from the Factory, "I am almost out of my mind at not seeing you". The couple's story had a happy conclusion - James sold up his property and they escaped from the colony with Jane disguised as a man. While such an example cannot be argued to be wholly typical, the expression of her feelings in the letter and her attempts to escape to be with him, are perhaps more so. Written evidence of this type is, however, relatively rare, as convicts were not in a particularly privileged position to leave evidence of their intimate feelings. This lack of surviving evidence is not however, evidence of a lack of feeling, as these occasional glimpses reveal. A forthcoming doctoral thesis by Tina Picton-Phillips of the University of Edinburgh examines strong and previously overlooked evidence of strong emotional bonds between convicts and their lovers and families in Britain, revealed in their petitions for the indulgence of reunion at government expense.

as they took forms and expressions removed from those prescribed by middle-class respectability in the nineteenth century.<sup>29</sup> It cannot be assumed that convict, or working-class, relationships were without affection, simply on the basis that they did not conform to middle-class sentimental or other patterns.

In May 1835 two police constables arrested John Maldrett, who had originally absconded from his assigned master in August 1833. In the course of a lengthy deposition before the magistrate - Maldrett had after all nearly two years absence to account for - the prisoner recounted his marriage:

I remained in Mr Collins service [as a Carter] somewhat about four or five months - I there courted a prisoner female servant of Mr Collins named Sarah Mills ... I then sent in my memorial to be married to Sarah Mills ... as near as I can guess to twelve months ago we were married at New Norfolk by the Revd. William Bedford ... Myself and Wife had one child which died about five months ago and my wife is now large in the family way again.<sup>30</sup>

To have entered into marriage when illegally at large and pretending to be a free man, and to have submitted the falsified memorial, that is the request for permission to marry Sarah Mills, must surely have exposed Maldrett to a significant risk of detection as an absconder. This danger of capture, it might be supposed, would have dissuaded the man from entering a marriage simply out of utility or desire without affection. It should also be noted that John and Sarah endured an uncertain sixteen weeks while their request for permission to marry was considered, until it was approved upon the recommendation of her employer.<sup>31</sup> Again, it might be considered that were the motivation simply short-term convenience for either partner, then this wait would not have been suffered. Indeed, had John Maldrett merely regarded Sarah Mills

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<sup>29</sup> J. Weeks, *Sex, Politics and Society; The Regulation of Sexuality Since 1800* (London: Longman, 1989), pp. 59-60.

<sup>30</sup> Charge against 193 John Maldrett, *per Bussorah Merchant*, 25 May 1835, LC 83/1.

<sup>31</sup> *Ibid.*



instrumentally, he would surely have deserted her as blithely as he did his assigned master.

In cases where permission to marry was denied, convicts' affairs did not necessarily end, which further tends to suggest the emotional commitment of these sustained relationships. Prisoner Charles Fitzhughes kept up a long relationship with Margaret Lowrie, despite her master's attempts to prevent their meeting. After their petition to marry was refused, Charles and Margaret continued to meet for a further eighteen months.<sup>32</sup> More casual relationships that did not proceed towards or end in marriage, although at odds with overt gentry morality, ought not to be dismissed as improper or worthless.<sup>33</sup> Convicts predominantly emerged from a world of popular sexual culture, in which sexual relationships prior to, or indeed as a substitute to marriage, were commonly accepted.<sup>34</sup> While middle-class moral discourse promoted marriage to contain sexuality and stabilise industrialising society, this did not have an immediate or universal impact on popular society. The adjustment towards these moral codes was tempered by regional and socio-economic variation.<sup>35</sup> Pre-industrial forms of 'marriage' and courtship were maintained well into the nineteenth century by

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<sup>32</sup> K.M. Reid, "Work, Sexuality and Resistance", pp. 251-2.

<sup>33</sup> It is important to recognise the distinction between overt gentry morality, and often more covert practice. The colonies were often sites of sexual opportunity for the elite; affairs were entered into with various subject peoples, of both sexes. Prostitution accompanied the expansion of empire, and serviced not only common soldiers and subjects, but the ruling class. See R. Hyam, "Empire and sexual opportunity", *Journal of Commonwealth and Imperial History*, 14 (1985), pp. 35-61. In Van Diemens Land and New South Wales masters were not above sexual intercourse with the female convict servants in the household; see K. Daniels, *op. cit.*, pp. 76-77, 83-86. Nor was this behaviour restricted to the colonies. The gentry in Britain were important consumers of pornography (typically depicting lower-class women) in the early nineteenth century, and sexual contact with domestic servants was by no means uncommon. See I. McCalman, *Radical Underworlds, Prophets, Revolutionaries and Pornographers, 1795-1840* (Cambridge: Cambridge University Press, 1988), p. 216; T.C. Davis, "The Actress in Victorian Pornography", in K.O. Garrigan (ed.), *Victorian Scandals: Representations of Gender and Class* (Athens: Ohio University Press, 1992), pp. 99-133; R. Hyam, *op. cit.*, p. 43; B. Hill, *Servants; English Domesticity in the Eighteenth Century* (Oxford: Clarendon Press, 1996), pp. 44-63. Note that although Hill's title refers to the eighteenth century, her arguments refer also to the early nineteenth century.

<sup>34</sup> T. Hitchcock, *English Sexualities 1700-1800* (London: Macmillan, 1997), pp.9-10.

<sup>35</sup> J.R. Gillis, *op. cit.*, p. 31. Gillis is critical of Lawrence Stone's teleological view of the development of marriage and family, arguing that this fails to take into account significant variations in popular customs and practice in the early nineteenth-century.

large areas of plebeian society in Britain, predominantly those below artisan or small-holder status.<sup>36</sup> Cohabitation and pre-marital intercourse were accepted within popular morality, but were subject to behavioural regulation; it was expected that a pregnant unmarried woman would not be abandoned by the father of her child.<sup>37</sup> Popular courtship customs also continued in this period, such as bundling, which was fully clothed but intimate petting between lovers, conducted in bed.<sup>38</sup> These forms of relationship and courtship persisted among specific social groups.<sup>39</sup>

Transient populations, such as sailors and navvies, were likely to enter into short-term cohabiting relationships, although this did not preclude the possibility of marriage. Marriage did not form part of the customary life of railway navvies in the early nineteenth-century, rather the men tended to have short-term partners, before they moved on to other works.<sup>40</sup> Although at odds with middle-class models of

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<sup>36</sup> E.P. Thompson, *The Making of the English Working Class* (Harmondsworth: Penguin, 1991), p. 807; J.R. Gillis, *op. cit.*, p. 33; I. McCalman, "Unrespectable radicalism: infidels and pornography in early nineteenth-century London", *Past and Present*, 104 (1984), p. 78. See also J. Weeks, *op. cit.*, pp. 75-6; Weeks argues that even by the late nineteenth century this respectable working class had not simply accepted middle class morality, but had arrived at a negotiated redefinition of its principles.

<sup>37</sup> G. Karskens, *op. cit.*, pp. 80-1; J. Weeks, *op. cit.*, pp. 60-1; J.R. Gillis, *op. cit.*, p. 33. Gillis notes that rates of cohabitation remained high among the working class in England until the mid nineteenth-century.

<sup>38</sup> J. Weeks, *op. cit.*, p. 60. 'Bundling' remained common in rural areas of Scotland and Wales into the mid nineteenth-century. It can be surmised that other, similar customs may have persisted elsewhere.

<sup>39</sup> The persistence of such practices into the mid-nineteenth century is documented in the autobiographical writing of Christian Watt. Christian Watt was born 1833 and a resident of Broadsea, now part of Fraserburgh, Buchan. She entered domestic service at the age of eight, and began gutting and selling fish (Broadsea was a fishing community) after her tenth birthday. In 1880 she began writing her memoir, while confined in the Aberdeen Infirmary for mental disorders, at Cornhill. See D. Fraser (ed.), *The Christian Watt Papers* (Edinburgh: Paul Harris, 1983), introduction and pp. 66-68. Watt p. 66 describes the local courtship custom of the Broadsea Walk at New Year, where in 1858 she met her husband-to-be James Sims. In January of 1858 she entered into a marriage contract with Sims, but the two had sex prior to their marriage, as Watt recalled in her memoir, "Life had given me it's last and final secret, a moment poets have all written about. I was under contract, but still felt a sense of guilt"; see Watt pp. 67-68. Christian became pregnant, and it is particularly revealing that she was anxious her husband return from sea and marry her before the child was born, for if it was born while she was unwed she would bear the brunt of Kirk condemnation. This suggests that pre-marital intercourse was acceptable, so long as the child was born within marriage; see Watt p. 68. It is probable that similar, localised courtship practices persisted in other isolated areas.

<sup>40</sup> T. Coleman, *The Railway Navvies; A History of the Men Who Made the Railways* (London: Hutchinson, 1965), pp. 163-6. Coleman's findings have been questioned by David Brooke's more recent history of the navvy; see D. Brooke, *The Railway Navvy* (London: David and Charles, 1983),

behaviour, these relationships, and those of similar groups, were not completely unstructured. Contemporary commentators noted that while navvies and their wives were not usually married by the Church, in other respects they gave every impression of respectability.<sup>41</sup> Indeed, it is possible that the navvies had undergone an unofficial, customary marriage ceremony. Various customary marriage rites were observed, which carried with them social recognition and acceptability.<sup>42</sup> Relationships organised in these ways were functional within a mobile society. Convicts, therefore, not only had experience of a popular moral culture of this type, but it was also applicable to their uncertain position as transported prisoners. An overarching emphasis on marriage as the benchmark of acceptability and legitimacy tends to enforce the elite moral discourse of the period, and to fail to recognise the value and importance of convict relationships. Such automatic and unscrutinised closure of discussion on the meanings of convict non-married sexual relationships is surely indefensible as historical method. An impoverished history can only result.

Sexual contact also took place between convict servants and the Aboriginal population. Questioned before the Molesworth Committee on the frequency of sexual relations between male convicts and Aboriginal women, John Barnes stated:

When the tribes of natives passed by or came near where there was a road-party of convicts, the intercourse was very frequent; at the Coal River, when a party of natives ... stopped for the night, the women generally went down to the huts for the purpose of getting potatoes or bread from the convicts, and then ... intercourse generally took place. Sometimes one or two women would go and beg for bread and

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pp. 41-47. Brooke argues that there is little evidence of licentious behaviour in the navvies' camps. Coleman, however, does not suggest a sexual free-for-all, and the evidence of other similar populations relationship patterns, would tend to support his argument.

<sup>41</sup> T. Coleman, *op. cit.*, p. 166.

<sup>42</sup> J.R. Gillis, *op. cit.*, pp. 34-7. Gillis cites the example of 'besom weddings', in which the couple leapt over a broom to signify their joining. By jumping back over it, the union could be broken. This persisted until the mid nineteenth-century. See also T. Coleman, *op. cit.*, p. 168. Coleman describes the persistence of the navvies' pattern of short-term relationships despite the success of the evangelical movement in promoting marriage in church among them. The result of the latter was bigamy, as men went to other works, and there took new wives.

potatoes, and she generally purchased it by her own personal intercourse with those men.<sup>43</sup>

It can be surmised that convicts assigned to rural masters, working beyond close supervision, similarly had sexual contact with Aboriginal women. Prior to the mid-1820s Henry Reynolds suggests that sexual relations on the island between white men and black women were common.<sup>44</sup> Plainly, the true extent of such relationships is unknowable. Indeed, inter-racial gender relations remain generally unresolved in the historiography of the Australian frontier.<sup>45</sup> In Van Diemens Land, however, the particular course of Aboriginal and settler relations may have tended to produce a distinctive pattern of gender relations.

Sexual abuse and the prostitution of Aboriginal women are recurring themes of the history of Australian settlement.<sup>46</sup> The rape or kidnapping of Aboriginal women was often considered to be an important cause of Aboriginal violence towards settlers. In 1830 the Aborigines Committee in Van Diemen's Land reported the conduct of stock-keepers towards Aboriginal women to be the principal cause of bad relations between the two societies.<sup>47</sup> Norman Plomley has argued, however, that this conclusion represented little more than the displacement of responsibility from free

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<sup>43</sup> BPP 1837-38 XXII, 669, Evidence of John Barnes, 12 February 1838, p. 48.

<sup>44</sup> H. Reynolds, *Fate of a Free People*, (Ringwood, Penguin, 1995), p. 29.

<sup>45</sup> M.A. Jebb and A. Haebich, "Across the great divide; gender relations on Australian frontiers", in K. Saunders and R. Evans (eds.), *Gender Relations in Australia; Domination and Negotiation* (Sydney: Harwood Brace, 1992), pp. 20-41; R. Evans, "'Don't you remember Black Alice Sam Holt?' Aboriginal Women in Queensland History", in R. Evans, *Fighting Words; Writing About Race* (St. Lucia: University of Queensland Press, 1999), pp. 201-14.

<sup>46</sup> For accounts of sexual abuse in Van Diemens Land see; L. Robson, *A History of Tasmania, Volume 1: Van Diemens Land from the Earliest Times to 1855* (Melbourne: Oxford University Press, 1983), pp. 210-11 and p. 225; L. Ryan, *The Aboriginal Tasmanians* (St. Lucia: University of Queensland Press, 1982), p. 92. For other Australian colonies see J. Critchett, *A 'distant field of murder': Western Districts Frontiers 1834-48* (Melbourne: Melbourne University Press, 1990), pp. 90-91; G. Reid, *A Nest of Hornets, The Massacre of the Fraser Family at Horner Bank Station, Central Queensland 1857* (Melbourne: Oxford University Press, 1982), pp. 55-57; H. Reynolds, *The Other Side of the Frontier* (Ringwood: Penguin, 1982), pp. 70-72.

<sup>47</sup> L. Ryan, *op. cit.*, p. 107.

settlers and other settlers onto another subject group; a more plausible explanation for the increasing violence between settlers and Aborigines in the 1820s was the intensification of settlement in the years following the Bigge Report.<sup>48</sup> Expanding pastoral and agricultural settlement inescapably brought settlers and Aborigines into conflict, as colonisers sought to secure monopoly access to land and resources. Martial law was declared in the colony 1 November 1828 against Aborigines in the settled districts. In 1830 the 'Black Line' was mounted, an attempt to apprehend the Aboriginal population then remaining in the settled districts of the island; this was a failure, capturing one adult man, and one boy.<sup>49</sup> White aggression and settlement did, however, effectively destroy Aboriginal society in the colony. Much of the remaining black population were removed from the mainland to government island settlements from 1832-3.<sup>50</sup>

In the period considered here, in which frontier relations developed along these lines, it can be argued that long term, or extensive sexual contact with the Aboriginal population was rendered less than it had been prior to the 1820s. Aboriginal groups did not become articulated to frontier rural society, as they did in other Australian colonies later in the nineteenth century. In New South Wales the longer co-existence of white settlers and Aborigines on the pastoral frontier, although it cannot be assumed to have been peaceful, may have tended to produce a greater incidence of cohabitation between isolated rural workers and Aboriginal women.<sup>51</sup> In Van Diemen's Land,

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<sup>48</sup> N.J.B. Plomley, *Weep in Silence; A History of the Flinders Island Aboriginal Settlement* (Hobart: Blubber Head Press, 1987), p. 3; N.J.B. Plomley, "The Aboriginal/Settler Clash in Van Diemens Land 1803-1831", Occasional Paper no. 6, *Queen Victoria Museum and Art Gallery*, (Launceston, 1992), pp. 5-23.

<sup>49</sup> An extended discussion of frontier conflict lies beyond the confines of this study. For an account of the 'Black War' and the 'Black Line', see L. Robson, *op. cit.*, pp. 212-20; N.J.B. Plomley, *Weep in Silence*, pp. 1-12; L. Ryan, *op. cit.*, pp. 101-23.

<sup>50</sup> The removed Aboriginal population suffered extreme levels of mortality in government settlements, as a result largely of disease and poor nutrition. Removal and settlement effected the destruction of Tasmanian Aboriginal culture. Plomley gives a full, and lengthy account of the settlement on Flinders Island; see N.J.B. Plomley, *Weep in Silence*, pp. 25-107. See also L. Ryan, *op. cit.*, pp. 182-94.

<sup>51</sup> N. Butlin, *Our Original Aggression: Aboriginal Populations of Southeastern Australia 1788-1850* (Sydney: Allen and Unwin, 1983), p. 109. Violence was not absent from inter-racial sexual contact in New South Wales, but there were incidences of longer term relationships, and cohabitation.

frontier relations characterised by dynamic aggression and intense fear tended to discourage the formation of long term relationships with Aboriginal women, and may have promoted violence within sexual contact. Such behaviour should not, however, be considered to have been limited to the convict population. Nor can the action of convicts towards Aboriginal women be understood as a central cause of frontier violence. This period can be argued to have witnessed a significant shift in relations with the Aboriginal population, as a result of which convict sexual contact with Aboriginal women may have become less common, and potentially more violent. Ultimately, the removal of much of the Aboriginal population to government settlements, precluded the possibility of long-term sexual contact or intimate relationships; although there were convicts too on Flinders Island in the period of the Aboriginal settlement there.

Not all convicts' intimate relationships involved women: male-to-male sexual activity was a source of considerable concern for contemporary commentators. It was argued that sodomy was prevalent among transported prisoners.<sup>52</sup> One report stated that:

My informant told me that the state of vice and moral debasement at the gangs which we visited, was something so shocking that ... it made his blood curdle to think of it ... no doubt more than two thirds of the members of these gangs were living in the systematic and habitual practice of unnatural crimes.<sup>53</sup>

Sexual activity was reported to be common among prisoners on Norfolk Island throughout the 1830s, and Alexander Maconochie referred to instances of sodomy on

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<sup>52</sup> In eighteenth-, and nineteenth-century usage sodomy could refer not only to anal intercourse between men, but also with women, and other sexual acts such as bestiality and intercourse with children. In this chapter it is used in a more limited way to refer only to penetrative sex between men.

<sup>53</sup> Report of William Murdoch to Earl Grey, Secretary of State for the Colonies, 1847, cited in I Brand, *The Convict Probation System; Van Diemen's Land 1839-54* (Hobart: Blubber Head, 1990), pp. 36-37.

the island while he had been superintendent.<sup>54</sup> Although initially hesitant in his evidence, James Mudie, a former landowner in the Hunter Valley, New South Wales, informed the Molesworth Committee in 1837 that while 'unnatural' crime was perhaps not common, he contradictorily also stated "I should certainly say that there is a good deal of it goes on, no question".<sup>55</sup> More shocking to the Committee was Mudie's assertion that sodomy caused no revulsion among the prisoners themselves. Asked if the suspicion of an 'unnatural' crime would arouse abhorrence among the prisoners, he answered: "No; they might amongst one another jeer and talk a little, but it would only be a sort of a cant phrase ... I have heard them jeer one another, such as calling one another 'sods'".<sup>56</sup>

Certainly, the suspected prevalence of sodomy among prisoners was a source of heated interest to the Molesworth Committee; similar questions were asked of other informants. Significantly, while other respondents were non-committal as to the rates of male-to-male sexual activity, their replies referred to the repute and suspicion of such activity, which was accepted as solid evidence.<sup>57</sup> The statement of Colonel George Arthur, formerly Lieutenant-Governor of Van Diemen's Land, is of particular interest as it reveals the current of elite suspicion and expectation of homosexual activity among convicts. Arthur replied to the Molesworth Committee when asked if sodomy was common at Port Arthur:

I have particularly asked that question of the commandant; and I have also of Captain Crawley, whether he thought it did among the Chain Gang at Bridgewater, where *I should have thought it would have prevailed*, and his reply to me was that he thought it did not.<sup>58</sup>  
[Author's emphasis]

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<sup>54</sup> R. Hughes, *op. cit.*, p. 266; A. Maconochie, *On The Management of Transported Convicts* (London, 1845), p. 7.

<sup>55</sup> BPP XIX, 1837, 518 Report of the Select Committee on Transportation, Evidence of James Mudie, 21 April 1844, p. 44.

<sup>56</sup> *Ibid.*, p. 45

<sup>57</sup> BPP XIX, 1837, Evidence of Sir Francis Forbes, 18 April 1837, p. 30.

<sup>58</sup> BPP XIX, 1837, Evidence of Colonel George Arthur, 27 June, 1837, p. 311.

Yet despite the reputed and reported prevalence of homosexual activity among convicts, rates of prosecution for 'unnatural' crimes were not as high as this might tend to suggest; between 1829 and 1835 in Van Diemen's Land and New South Wales twenty-four prisoners were charged for this type of offence.<sup>59</sup> This figure appears more significant when compared to the number of prosecutions for sodomy in England in the period 1805-35, when fifty men were hanged for the offence; this was a substantially higher number than in any earlier period.<sup>60</sup> As A.D. Harvey noted in his study of English sodomy prosecutions, however, the rate of trial can tell the historian little of the actual frequency of homosexual behaviour, but only of the rates of observation and policing. Hence, although the bare figures may suggest a much greater incidence of sodomy in the Australian colonies than in England, this may be misleading. In early nineteenth-century England, Harvey argues, that the rising number of prosecutions reflected an increasing intolerance in society of sexually ambivalent activity, as ideal moralised sexual stereotypes of male and female were gradually reified, and homosexual activity became more visible in a more concentrated, urbanising population.<sup>61</sup> Increased attention to homosexual activity among convicts in the 1830s can be attributed not only to the impact of these shifts in tolerance and population in Britain, but more specifically, to allegations of convict depravity, of which sodomy was crucial to the rhetoric of the rising anti-transportation lobby.

Actual rates of male-to-male sex among convicts in Van Diemen's Land are unknowable. Much convict sexual activity, and male-to-male activity only more so, was secretive and generally carried on beyond the gaze of the officials and employers. It is only in exceptional cases that convict homosexuality was exposed and entered the

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<sup>59</sup> R Hughes, *op. cit.*, p. 267.

<sup>60</sup> A.D. Harvey, "Prosecutions for sodomy in England at the beginning of the nineteenth century", *Historical Journal*, 21 (1978), p. 939.

<sup>61</sup> *Ibid.*, pp. 941-46.



historical record. Rates of prosecution describe little of the possible typicality of homosexual behaviour. In many instances charges may have been deferred, as sodomy was a capital crime. Sodomy was a particularly difficult charge to bring and prove against an individual. Typically only those involved were present when the activity took place, and if those two were consenting then it was difficult to find a third witness who could prove that penetration had taken place, as required to secure a conviction. It was not common to have evidence of the explicit nature that was presented in navy courts-martial. During the infamous courts-martial proceedings against crew members of the *Africaine* in 1816, which sentenced four men to death, testimony of a particularly vivid type was given. One witness, Emanuel Cross, testified that he had seen the accused, Raphaelo Seraco and John Charles engaged in intercourse: "[Charles] lifted up his shirt and his backside was bare - Seraco stood behind him with his shirt up [and] he put his yard into the backside of Charles - they moved the same as between a man and a woman".<sup>62</sup> Within the confines of a naval ship it is possible that sexual activity may have been so closely observed, yet such testimony remains questionable. In the context of a less confined assigned convict population, this sort of evidence was less likely to be available. Surgeons were called upon to examine suspects for physical marks of intercourse, but although such findings were taken as evidence, the reliability of this type of evidence is again debatable.<sup>63</sup> The difficulties in detecting and policing homosexuality in the early nineteenth century mean that it is not possible to offer any sustainable quantification of

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<sup>62</sup> H.O. Adm. 1/5453 Seraco-Charles Court-Martial, January 1816, cited in A.N. Gilbert, "The *Africaine* Courts-Martial: A study of buggery and the Royal Navy", *Journal of Homosexuality*, 1 (1974), p. 115. Gilbert's study of the *Africaine* courts-martial cites a significant body of similar testimony from other witnesses in other cases. It was necessary to prove penetration to secure a conviction, hence the nature of these statements, the veracity of which must nevertheless be open to some question. Both Seraco and Charles were sentenced to death. A.D. Harvey also noted the particularly frank nature of evidence presented to naval courts-martial, see A.D. Harvey, *op. cit.*, p. 943.

<sup>63</sup> A.N. Gilbert, "Buggery and the British Navy, 1700-1861", *Journal of Social History*, 10 (1976), pp. 77-78. Naval surgeons called to provide such evidence cited inflammation of the rectum and anus. This could be caused by other factors, perhaps most relevant in this case, this might also be caused by a poor diet, a factor that may have affected both naval and convict populations. Scratching or rubbing the already inflamed area would have not uncommonly resulted in worsening the symptoms.

homosexual behaviour among convicts in the period. Certainly it would be imprudent to endorse without qualification Hughes' assertion that in such an overwhelmingly male environment, "homosexuality would have flourished".<sup>64</sup> Rather than attempt to discern the scale of sodomy among convicts, it is more fruitful to consider the nature and function of homosexual activity among convicted men.

There may have been those among assigned convicts who were solely oriented towards sex with other males. In 1827 the black house servant Joe Alboney was sentenced to transportation for life by the bench of St. George's Town, Bermuda, for an 'unnatural' crime.<sup>65</sup> Alboney arrived in the colony in 1829, on board the ship *Thames*, having sailed from London. Whilst assigned to the settler and farmer, Thomas Bayles, Alboney appeared before the magistrate in 1831, charged with an "assault to commit an unnatural crime"; this charge was dismissed by the magistrate.<sup>66</sup> In April 1835 the convict appeared again before the bench. Alboney, at this time employed by James Sutherland as a house servant, was charged with harbouring Thomas Kirby on his master's premises. The depositions given in evidence in this case pose as many questions as to the precise nature of the events in question, as they answer. William German, another convict assigned to Sutherland, stated:

I was coming out of my master's garden to go to the Blacksmiths shop, this was about Sun down I heard some words pass between the prisoners that I did not understand - I then heard Alboney ask Kirby if

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<sup>64</sup> R. Hughes, *op. cit.*, p. 264.

<sup>65</sup> 332 Joe Alboney, *per Thames*, Con 31 and Con 23. It is significant that the convict was named Alboney; this may have been a name given to him by his master in Bermuda, either as a pun on 'All boney' (the convict is described as being of stout, muscular build, so this is perhaps less likely), or a corruption of Ebony, referring to the man's colour. Slaves, and black slave-servants in Britain, were often given either classical names, such as Pompey, Scipio or Socrates, or else simply absurd names such as Pan Ran Ratto Skinner. This naming recast the individual's identity, severing them from previous associations and identities, and stamping the master's authority upon them. See J. Walvin, *Black and White; The Negro and English Society 1555-1945* (London: Allen Lane, 1973) pp. 66-7; F. Shyllon, *Black People in Britain 1555-1833* (London: Oxford University Press, 1977), p. 15; G. Gerzina, *Black England; Life Before Emancipation* (London: John Murray, 1995) p.16. Walvin p.67 suggests that blacks in this situation resisted the process of naming by adopting and using different names within their own social world.

<sup>66</sup> 332 Joe Alboney, 21 August 1831, Con 31. That this charge was dismissed by the magistrate suggests the difficulty of prosecuting such a case.

he would come ... 2 hours after I went to see if he was come or not About 2 or 3 hours after I heard somebody talking in Joseph Alboney's bed room - I went into the kitchen, & proceeded to Alboneys bed room - on going there, I said what games do you call this - This I said in consequence of seeing meat and potatoes; Kirby asked me to have some supper - I refused - and went and told the men in the Hut and they [directed] me to inform my Master.<sup>67</sup>

Sutherland then confronted the two men, but was unimpressed by Thomas Kirby's attempt to account for his presence:

The Constable [Kirby] by way of defence said he had returned at that hour from Mr. Gatenby's to look for the key of his Handcuffs which he had lost, a very weak and incredible defence ... I have reason to believe and do believe that Alboney was entertaining Kirby with supper.<sup>68</sup>

While the depositions seem to indicate no sexual impropriety, it is suggestive that the men had arranged to meet at that late hour; Sutherland reckoned it to be about eleven o'clock. Further, the reaction of the other assigned servants might tend to call the nature of the men's meeting into question. It would, however, be difficult to argue with any certainty the sexual preferences of Alboney on this evidence alone. While convicts' sexual acts may be occasionally revealed in the historical record, this cannot be relied on as an indicator of a fixed sexuality. Indeed, a polarised homosexual identity might not generally be argued to have existed in the early nineteenth century.<sup>69</sup> In this period, it has been argued, many men "particularly those living in homosocial organisations, saw sodomy, and likewise bestiality and masturbation, as available

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<sup>67</sup> Trial of 332 Joseph Alboney and 387 Thomas Kirby and deposition of William German, 4 April 1835, LC 83/1.

<sup>68</sup> *Ibid.*, Deposition of James C. Sutherland.

<sup>69</sup> J. Tosh, "What should historians do with masculinity? Reflections on nineteenth-century Britain", *History Workshop*, 38 (1994), p. 191-2; T. Hitchcock, *op. cit.*, p. 59; J. Weeks, *Sex, Politics and Society; The Regulation of Sexuality Since 1800* (London: Longman, 1989), pp. 102-105. A vigorous subculture existed around those involved in male-to-male sexual activity in eighteenth-century London, but homosexuality was defined in terms of actions, not in terms of an orientation or identity. A distinct homosexual orientation was, however, defined by medical theorists of the late nineteenth century. Many of those men engaged in sex with other males in the earlier period did so furtively, casually, but not exclusively, and did not define themselves by these actions.

alternatives to heterosexual ... intercourse".<sup>70</sup> Assigned convicts can be argued to have engaged in masturbation and bestiality as forms of sexual release. In 1835 William Broadribb went to the neighbouring farm of Captain Clark to obtain the return of chains he had loaned his neighbour. He found instead Clark's assignee, William Lees:

I saw ... William Lees ... at the corner of a Hay Stack about five yards from me - he had a small terrier bitch in his right hand the flap of his breeches was down - his left hand was in his breeches and he appeared to be rubbing his privates up and down with it ... I did not say anything at this time to him, but the next day when I saw him I told him not to let me catch him at such tricks again ... he burst out crying and said that he would never do it again ... I did not see his privates - neither do I think he was doing anything more than holding her [the Terrier] against him.<sup>71</sup>

Lees' reaction would tend to suggest that this was an isolated or uncommon incident with the dog, rather than a particular habit. In another case John Goudge, a convict assigned to Captain Ritchie, was observed by Dr Salmon standing on an upturned pail behind a mare in the stables with the alleged intention of committing a sexual act.<sup>72</sup> Similar activity has been observed in studies of naval crews, suggesting that bestiality of various types was a form of sexual release resorted to by men in situations of isolation.<sup>73</sup> It is most useful then, to approach convict homosexual activity, as indeed bestiality, in terms of a situational or environmental set of actions, rather than in terms of a defined sexual orientation, which may be anachronistic, and can only be poorly apprehended in the historical record.

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<sup>70</sup> T. Hitchcock, *op. cit.*, p. 63.

<sup>71</sup> Deposition of William Broadribb in evidence against 801 William Lees, *per Southworth*, 30 April 1835, CSO 1/801/17130.

<sup>72</sup> Deposition of Dr. John Salmon, POL 486 [individual entries in this series are undated].

<sup>73</sup> A.N. Gilbert, "Buggery in the Royal Navy", p. 77. Gilbert found a number of cases of bestiality at sea, including sex with a goat, and allegedly with a ship's dog. The naval surgeon argued, however, that it was unlikely that the accused could have effected penetration with the dog.

Reports and allegations of homosexual activity were most common among men employed in public works and those in ganged labour at penal stations. Whilst the reliability of such evidence is open to question, the social environment these men inhabited may have been conducive to homosexual activity. Prisoners assigned to public works or in penal stations were in homosocial situations. These men had little or no access to women; their days were spent in labour with men, and their nights in closed accommodation with other males. Similar closed one-sex environments have been shown to sustain homosexual activity. Among female convicts in Van Diemen's Land it has been shown that lesbian relationships were common among women in the female factories, but significantly have not been tracked, nor were a concern of contemporaries, among those women in assigned situations.<sup>74</sup> In male environments at sea homosexual activity was not uncommon; not only was it a feature of naval life, but also, it has been suggested, of crew life on many long merchant ship sea voyages.<sup>75</sup> Within such homosocial environments homoerotic activity and homosexual relationships were not generally constructed by seamen as aberrant, but were acceptable, and functional. Examination of the sexual lives of southern African mineworkers, who in the late-nineteenth to the later twentieth-century were confined in male compounds, has revealed the internal dynamics of one such set of homosexual relationships. In this social context young men moved through a phase of initiatory homosexuality, governed by internal behavioural rules.<sup>76</sup> In mine compounds

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<sup>74</sup> K. Daniels, *op. cit.*, pp. 164-183; J. Damousi, *op. cit.*, pp. 48-9, 69-71.

<sup>75</sup> A.N. Gilbert, "Buggery and the British Navy, 1700-1861", *passim*; A.N. Gilbert, "The *Africaine* courts-martial: a study of buggery and the Royal Navy", *passim*; B.R. Burg, *Sodomy and the Pirate Tradition; English Sea-Rovers in the Seventeenth-Century Caribbean* (New York: New York University Press, 1984), *passim*. Burg is of particular significance in establishing a methodological approach to the study of such homosocial environments.

<sup>76</sup> P. Harries, *Work, Culture and Identity; Migrant Labourers in Mozambique and South Africa, c. 1860-1910* (Johannesburg: Witwatersrand University Press, 1994) pp. 200-208; S. Moroney, "Mine married quarters: the differential stabilisation of the Witwatersrand workforce, 1900-1920", in S. Marks and R. Rathbone (eds.), *Industrialisation and Social Change in South Africa; African Class Formation, Culture and Consciousness 1870-1939* (London: Longman, 1982), pp. 259-60; C. van Onselen, *Studies in the Social and Economic History of the Witwatersrand 1886-1914, Volume 2, New Nineveh* (London: Longman, 1982), p. 179; D. Moodie, "Mine culture and miners identity in the

homosexual relationships characteristically took place between older men and younger, new arrivals.<sup>77</sup> Keeping 'boy wives' in this way provided an internal set of power relations, and an element of guidance and protection for the younger men. Relationships between convict males may have followed a similar pattern. In his evidence to the Molesworth Committee James Mudie described the feminisation of boys in the prisoners barracks in Sydney: "They go by name, if a boy happens to be on a farm, and to be sent to the prisoners barracks in Sydney, the boys will go by the names of Kitty and Nanny".<sup>78</sup> Homosexual relationships in these contexts were potential sites of power and autonomy. Kay Daniels has argued that lesbian relationships among women in the female factories "posed a multi-dimensional threat ... [and] underpinned the subversive subculture that continued ... to challenge the authority of the convict administration".<sup>79</sup> Male convict homosexuality should also be understood to have offered a significant challenge to official control, and concepts of masculinity.

Homosexual activity may have been less common among those convicts in assignment, both rural and urban. Rural assignees' social contacts could not be so readily controlled as those of men in ganged public works or penal-station labour; as has been seen, convicts in rural employ did have significant opportunity to socialise with women. Nor did contemporaries suspect that homosexuality was prevalent among men in assignment. Lieutenant-Governor Arthur stated before the Molesworth Committee that he did not believe it to be common among assigned men, while critical attention focused on men in public works and penal stations.<sup>80</sup> Relationships between

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South African gold mines", in B. Bozzoli (ed.), *Town and Countryside in the Transvaal* (Johannesburg: Ravan Press, 1983), pp. 184-190. Although Dunbar Moodie's work describes the experience of mineworkers in the 1970s, it demonstrates similar patterns of homosexual experience. A comparison of convict homosexuality and miners sexual activity is also suggested in R. Hyam, *op. cit.*, p.58.

<sup>77</sup> P. Harries, *op. cit.*, pp. 202-04; C. van Onselen, *op. cit.*, p. 179; D. Moodie, *op. cit.*, p. 188.

<sup>78</sup> BPP XIX 1837,518, Evidence of James Mudie, p.44.

<sup>79</sup> K. Daniels, *op. cit.*, p. 183.

<sup>80</sup> BPP XIX 1837, 518, Evidence of Colonel George Arthur, p. 311.

those convicts in homosocial environments may have entailed deep and warm affection.<sup>81</sup> In many instances, however, those involved afterwards entered and maintained heterosexual relationships, viewing their previous actions as temporary, resorted to as a result of specific circumstances.<sup>82</sup> Women engaged in homosexual relationships in the female factories have been found afterwards to have married.<sup>83</sup> Hence, while some convicts may have been inclined towards homosexual activity, and those assigned to rural employers may have had exposure to and experience of homoerotic practices in the colony, it cannot be argued that sodomy was prevalent or characteristic of convicts in rural assigned labour.

It would be misleading and reductionist to represent that only convicts' sexual relationships were of significance. Male convicts undoubtedly entered into personal relationships with both male and female convicts that did not involve sexual relations. While elsewhere this thesis has indicated examples of conflict between individual assignees, in other instances it should be recognised that relations with other convicts were an important source of information and support.<sup>84</sup> Relations with other convicts, and the advice they could provide on conditions in the colony, or more immediately on conditions in a particular assignment, or advice on work can be argued to have been indispensable in negotiating the convict's sentence in the colony. Necessarily the greatest part of such contact is lost, unrecorded and unremarked upon. The currency

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<sup>81</sup> K. Daniel, *op. cit.*, pp. 166-7; B.R. Burg, *op. cit.*, p. 134.

<sup>82</sup> B.R. Burg, *op. cit.*, pp. 107-08.

<sup>83</sup> J. Damousi, *op. cit.*, pp. 48-9. Joy Damousi found that two women involved in violent lesbian rape in the female factory were subsequently married in the colony. Jeffrey Weeks has argued similarly that English men who in their youth engaged in homosexual prostitution, had often left the practice by their mid-twenties, and thereafter married; see J. Weeks, *op. cit.*, p. 114. This would tend to sustain the argument that homosexual activity was not necessarily a factor that dominated the individual's sense of self or identity, but could be purely situational.

<sup>84</sup> It has been argued that information on employers (whether they were deemed to be good or bad), and on inns and houses that received convicts circulated among female convicts in the colony. In stark contrast to the aims of colonial authority, Female Factories, the sites in which the state most clearly sought to enforce correct models of behaviour, acted as a hub of these networks. See K.M. Reid, *op. cit.*, p. 251.

of such relationships is, however, suggested by the glimpses of shared recreational culture discussed in the previous chapter. In other instances solidarity between assignees enters the official record, indicating a further important aspect of shared feeling and experience. Abraham Walker took his convict servant William Helmsley before the Longford magistrate, complaining that Helmsley had refused to assist in taking another assigned man in charge. Walker declared that when ordered to assist in the arrest, Helmsley refused and said, "he would never assist to get another man in trouble".<sup>85</sup> It should not be concluded that convicts were fully united in their opposition to their employers, or that this opposition transcended divisions among their own ranks; the complexities of lived experience tend to deny such ready categorisations. It can, however, be considered that their non-sexual relationships were of marked importance.

The personal relations of male convicts have been shown as an important area of autonomy within the constraints of convict experience. It has also been argued that the maintenance of personal relationships formed a challenge to the authority and control of the penal authority. Other manifestations of convict sexual behaviour presented a more direct and disturbing affront to free society. Openly violent, and horrifying to colonial society, was the threat of rape from the male convict population. Rape features marginally in social history writing, reflecting both historians' discomfort with the subject, and the difficulties of research in the field.<sup>86</sup> The examination of such instances, however, reveals an important aspect of male convict sexuality, and to simply pass over the evidence of convict rape would be to enforce an absence in the understanding of male convict sexuality. Sharon Morgan has identified two cases of sexual assault by convicts against settlers' young daughters. In January 1819 John Manley, a convict, was sentenced to 200 lashes, and three years'

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<sup>85</sup> Deposition of Abraham Walker, POL 486 1839-40 [individual entries undated].

<sup>86</sup> R. Porter, "Rape - Does it have a history?", in S. Tomaselli and R. Porter (eds.), *Rape* (Oxford: Blackwell, 1986), p. 216. Porter notes that relatively few historical rape cases reached court, and surviving evidence on those is often far from complete.



transportation to Newcastle Penal Station, for the assault and attempted rape of Robert Allomen's daughter at Pitt Water. Three men in the service of Thomas Anstey were tried and subsequently executed for the rape of his daughter, Julia Capper Anstey, in June 1830.<sup>87</sup> Recourse to the records of the convictions of the men for Julia's rape allows a fuller consideration of such offences.

On 4 May 1830 James Cubbitson Sutherland, magistrate and close family friend of the Anstey's, noted in his journal, "James Simpson and I heard Julia's information v the three fiends and we fully committed them to trial".<sup>88</sup> The three fiends in question were William Messenger, Richard Yewdle, and John Brady.<sup>89</sup> While it has been possible to positively identify Yewdle and Messenger in convict records, it has not been possible to trace John Brady. It is probable, however, that all three were in the assigned service of Thomas Anstey at the time of the attack on his daughter.<sup>90</sup> All three men were charged with "carnally knowing and abusing a child under the age of ten years to wit of the age of five years".<sup>91</sup> Precise details of the crime and the evidence presented at the trial do not survive. There can be little doubt, however, as to how traumatic this attack was. Indeed, the ordeal for both young Julia Capper Anstey and her parents can only have been made more terrible, as they were called as witnesses against the three accused.<sup>92</sup> Guilty verdicts were recorded against

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<sup>87</sup> S. Morgan, *Land Settlement in Early Tasmania* (Cambridge: Cambridge University Press, 1992), pp. 135-36.

<sup>88</sup> Journal of James Sutherland, 4 May 1830, NS 61.

<sup>89</sup> Although named in other sources as Udall or Udall, the spelling Yewdle is used here, as it appears on the prisoners Conduct Register and Description; see 53 Richard Yewdle, *per Asia* (3), Con 31 and Con 23. See also 248 William Messenger, *per Maria*, Con 31. John Brady, named in Sharon Morgan's text, and the Supreme Court record has not been traced in convict records. See S. Morgan, *op. cit.*, p. 135, and Supreme Court records, 12 June 1830, SC 32/1.

<sup>90</sup> In a letter of Mrs. A. Reid to a Mrs. Williams she identifies the three men as 'Three of their men', a description that indicates they were in the Anstey's employ, and most likely as assignees. Letter of Mrs. A. Reid, 22 June 1830, cited in P.L. Brown (ed.), *Clyde Company Papers, Prologue 1821-35* (London: Oxford University Press, 1941), p. 98.

<sup>91</sup> Supreme Court Records 9, 11, 12 June 1830, SC 32/1.

<sup>92</sup> *Ibid*, see also P.L. Brown, *op. cit.*, p. 98.

all three men, and on 15 June 1830 they were sentenced to hang by the Supreme Court in Launceston.<sup>93</sup>

While remaining evidence allows the prosecution of Yewdle, Messenger and Brady to be traced, there is nothing in the record to suggest how, or why such an offence took place. Unbridled sexual desire cannot be seen as an explanation for the rape of five-year-old Julia. Modern study of rape has suggested that sexual desire is not a central motivating factor in the offence, nor does rape constitute the release of sexual frustration.<sup>94</sup> In the context of these three convicts, it is probable that they did have other outlets for their sexual desires. Rape is rather to be understood as the product of aggression, in which sex becomes the weapon. The sexual attack on Julia Capper Anstey was a painful strike at her father, Thomas Anstey, the men's employer.<sup>95</sup> The reasons for the men's hostility toward Thomas Anstey are not apparent. Yewdle's record relates that he had no colonial offences prior to the rape. William Messenger's record describes two earlier offences of insolence, and one theft while an overseer on Maria Island. Like Yewdle he had no prior offences in Anstey's service.<sup>96</sup> That neither of the two men whose records can be traced had demonstrated previous disciplinary problems in Anstey's service leaves the reason for the rape unclear, if it is to be considered as one of revenge. Nor does the prior character of the men betray any predilection towards such a crime. Yewdle, aged 25 at the time of the

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<sup>93</sup> SC 32/1 15 June 1830; *Hobart Town Courier*, 26 June 1830. The case of the three men then passed before the Executive Council on 22 June 1830, and the men were left for execution 2 July 1830; Executive Council Minutes, 2 July 1830, EC 4/1.

<sup>94</sup> A.N. Groth, *Men Who Rape; The Psychology of the Offender* (New York: Plenum Press, 1981), pp. 2-5. Roy Porter has also questioned the role of sexual desire as an explanation for rape in the historical context; R. Porter, *op. cit.*, pp. 218-220.

<sup>95</sup> A.N. Groth argues that "the victim may have no actual or symbolic significance for the offender, but she is targetted because of her relationship against whom the offender seeks revenge. It is through a female victim that the offender retaliates against a male or through a child victim that the offender retaliates against an adult", A.N. Groth, *op. cit.*, p. 17. See also R. Porter, *op. cit.*, pp. 217-218; E. Shorter, "On writing the history of rape", *Signs*, 3 (1977), p. 472. Hence, in this instance while Julia was the victim of the attack, her father also appears as the victim, and it was towards him that the intent of the rapists was aimed.

<sup>96</sup> 53 Richard Yewdle, *per Asia* (3), and 248 William Messenger, *per Maria*, Con 31.

attack, was transported for horse theft, having been previously employed as a shepherd, and latterly as a groom at a public house.<sup>97</sup> Messenger's record is less complete, the offence for which he was transported not being specified, but listed only as 'Capital Respite'. His conduct register states his previous character and connections to be bad, but such remarks are commonplace, and reveal little.<sup>98</sup> Groth's study of contemporary rape suggests that within gang rape the participants occupy different roles, one typically being the instigator of the crime, others commonly participating as a result of internal group pressure. All members of the gang, however, are equally guilty, as even a member who only observed failed to prevent what took place.<sup>99</sup> While it remains obscure in the historical record, it can be surmised that a similar dynamic operated among the men executed for Julia Anstey's rape. It is perhaps suggestive in this regard, that both Yewdle and Messenger were able to call on witnesses in their defence at their trial, while John Brady did not.<sup>100</sup> A question mark remains over Brady, however, for he alone maintained his innocence at the trial, and on his subsequent appearance on the scaffold in July. The *Launceston Advertiser* reported: "They were not three minutes on the scaffold. Brady, the Irishman, declared he knew nothing of the crime he was charged with, and that he died innocent, the other two said not a word, but appeared quietly to resign themselves to their fate".<sup>101</sup>

Although there is plainly much that remains uncertain in this instance of rape, it can be surmised that the men raped Julia in an attack ultimately aimed at her father.<sup>102</sup> It perhaps represented for them an assertion of their manhood, and power, and was a

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<sup>97</sup> 53 Richard Yewdle, *per Asia* (3), Con 31, Con 23 and CSO 1/217/ 5237.

<sup>98</sup> 248 William Messenger, *per Maria*, Con 31.

<sup>99</sup> A.N. Groth, *op. cit.*, pp. 112-115.

<sup>100</sup> Supreme Court Records 9, 11, 12 June 1830, SC 32/1.

<sup>101</sup> *Launceston Advertiser*, 12 July 1830. The trial was reported in the *Launceston Advertiser* 21 June 1830. The report carried no detail of the offence, recording in detail the verdict of the court.

<sup>102</sup> Julia Capper Anstey lived to marry Dr. John Doughty on 19 November 1842. The couple had three children, before her early death on 3 June 1850.

response to the humiliation and powerlessness they felt that they experienced as assigned men. Male convicts' sexuality in such a context, became a dangerous and terrible weapon in their relation with their master; the rape of the master's young daughter a terrifying reversal of power. In instances such as this, and in the case of the prisoner who exposed himself, male prisoners' violent assertion of their sexuality acutely threatened colonial authority and was punished accordingly. While many modes of subverting and destabilising the established order were celebrated in convict popular culture, however, there is no reason to believe that this extended to gang rape of a small girl in order, it can be assumed, to humiliate her father, the rapists' master. Such men placed themselves beyond the social boundaries of convict society, and so cannot be seen as practising an extreme form of resistance. Indeed, such acts rather tended to reinforce the commonplace contemporary representation of convicts as vile and degraded by nature, while their rarity is also surely witness to their abhorrence within as well as outside convict society.<sup>103</sup>

Male transportees' sexual lives in Van Diemen's Land have been generally understudied, and remain largely subject to the essentialised representations of nineteenth-century commentators. In sharp contrast the study of female convict history has in recent years reclaimed sexuality not only as an important aspect of convict experience, but as an area of resistance to the colonial authorities. This discussion has applied some of the new approaches and understandings of convict women's intimate lives to male prisoners. While it remains possible among male convicts, as in any population, to isolate violent or exploitative sexual behaviour, this chapter has demonstrated that there are also other facets of convicts' sexual lives that require examination and interrogation. Continued convict sexual activity, both heterosexual and homosexual, can be considered as resistance to the enforcement of penal discipline and official models of male behaviour. Male convicts cannot be unproblematically represented as depraved, brutish and oppressive in their sexual

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<sup>103</sup> G. Karskens, *op. cit.*, p. 76. Karskens notes how reviled instances of child sexual abuse were in contemporary convict and free working-class Sydney.

experiences. As the convict Mark Woodrosse's remarks plainly spelled out to the magistrate, desire was an area of convict life that was not amenable to discipline.

## Conclusion

Farming was the core of the Van Diemen's Land economy. In the period 1820-40 settlement and land alienation expanded rapidly. Colonial government policy favoured substantial, wealthy settlers, whose capital would promote the rapid development of colonial land-based enterprise. In this period these men formed the elite of colonial society. Throughout this period of expansion livestock numbers increased markedly, the establishment of substantial merino flocks producing wool for the export market being a key feature. Equally important, yet less remarked, was the continued increase in the acreage of land under arable production. Van Diemen's Land became not only an export producer of fine wool, but was also an export producer of wheat, principally for the New South Wales market. Indeed, while sheep have dominated accounts of the rural economy in the early nineteenth century, the diversity of the rural sector is striking. Developments in Van Diemen's Land agriculture and pastoralism were influenced not only by local conditions and requirements, but were shaped by global connections. Breeds of livestock, varieties of crops, methods and technology were transferred to the colony not only from Britain, but also significantly from America, where settlers faced broadly similar challenges.

Assigned convict labour was of vital importance in the farming economy. Farming was the single largest private employer of assigned labour. Prior studies have failed to give sustained scrutiny to this area of convict experience. Employers and contemporary accounts frequently condemned the quality of assigned labour. These complaints were both an indictment of the process of assignment, and of the skills, labour and alleged attitude to labour itself of the men that were assigned to them. Despite such complaints, however, settler demand for assigned labour was keen. Examination of the men assigned to a number of rural employers demonstrates that within the constraints of supply, the Assignment Board did allocate prisoners with relevant former work experience to rural masters. Convicts' former occupations were recorded in detail, and this reveals not only the mechanics of the Board's attempts to

manage convict labour, but also the complexity of rural labour. The differentiation of rural skills, and the diversity of farming enterprise in the colony, resists the reductionist treatment of such work as unproblematically unskilled.

Central to the understanding of assigned labour is the dynamic relationship between master and servant. The exploration of this relationship is a theme that runs throughout this thesis. Masters employed both formal and informal strategies of management, their authority ultimately underscored by that of the colonial government. Settlers have been shown to have been adept at manipulating the authority of the magistrates' bench in the management of their assigned convict servants. The magistrates, themselves typically landholders and masters of convict labour, conspired in these attempts to contain the cost of convict labour by limiting claims on rations and allowances, and endorsing the removal of unwanted or surplus labour through penal channels. In these respects this thesis has expanded on and refined pre-existing work. Management tactics, hitherto little explained, have been revealed as multi-layered. The master's personal authority was demonstrated not only by his ability to command punishment, but to grant indulgences, or indeed to extend mercy and intercede before the magistrate. Significantly, this study has also demonstrated that convict management rested not only on the master's central authority, but devolved also on larger properties to overseers, and in certain instances to private constables. The role of these individuals, unexplored in previous studies, was of key importance in the daily management of labour.

Convicts were not, however, fully disempowered within assignment. The study has shown, in a depth not previously attempted, the varying tactics through which male convicts were able to negotiate, limit and even contest this web of patriarchal authority. Examination of power relations on rural properties has revealed convict agency which transcended the seemingly disempowered nature of their position. Convicts had a clear understanding of their rights, both those granted them by colonial authority and those they assumed, what can be understood as customary

rights, claims by convicts and even partly conceded by many employers. In defence of this, what can be understood as the convicts' moral economy, they acted strongly, withholding labour, destroying property, or threatening the employer in words and actions. A broad understanding of convict resistance requires other less dramatic, yet equally meaningful forms are recognised. Whilst armed bushrangers or anonymous arsonists appear as striking, daring figures, their actions are not representative of the daily negotiation of authority. Importance has been placed in this study on the destabilising effects of convict insolence. Numerous recorded examples of convict insolence, some more imaginative than others, reveal the ways in which convicts might not only deny their master's immediate orders or authority, but could also undermine the underlying legitimacy and certainty of that authority. Most destabilising of all for the authority figure were those instances where the insult or abuse was public, perhaps calculatingly so, and received by an appreciative convict audience. That insolence so commonly appears in penal records, and the severity of sentences handed down by magistrates, speaks clearly of the affront that these instances were understood to offer.

Insolence also provides a window onto the hitherto largely obscure world of convict culture. The ideas that informed convicts' dissenting outbursts seem to have been fostered in the spaces, both physical and emotional, that assignees claimed for themselves. Rich glimpses of convict culture, gleaned from the records of the penal bureaucracy, reveal a world of convict recreation and intimate relationships. Such instances are of great human importance; from these shared experiences convicts drew personal strength and support. A more radical purpose can also be argued for these spaces; it was in the convicts' hut, the empty barn, the sly grog shop or the disorderly house that dissent was formulated. In these arenas individual grievances became shared complaints, and isolated acts were given collective social meaning.

Diet has been shown to have a multifaceted importance on convict society. Examination of the content of the convict ration and additional allowances



demonstrates that the convicts' diet was adequate, if often monotonous. Food was not only of importance in nutritionally sustaining the convict labourer. Expanding the understanding of diet beyond the confines of the prior historiographical debate on nutrition, this thesis has also shown the role of diet in master and servant social relations. Food items, along with other petty luxuries, could take the role of payment, indulgences, or if withdrawn, punishment. It is also important to recognise the agency of convicts in securing adequate and varied food. This is expressed in the theft of various food items, but it is also plain that prisoners defended their rights to rations and allowances beyond the ration scale by their refusal to work and other forms of retribution. Food thefts in many instances relate only poorly to need or hunger, rather they suggest the participation of convicts in a concealed, illicit market in food items. When unfree workers create their own illicit marketing system, they implicitly and explicitly challenge existing power relations, in both material and cultural senses. Of limited nutritional value, but great social importance, was the consumption of alcohol, and it was acquired through many channels. Indeed, the expansion of the discussion of convict consumption illuminates many of the themes that run throughout this study, and is an original contribution to the scholarly literature.

Gender relations form an important area of activity within convict society. While male convicts' sexuality was commonly dismissed as brutal and unfeeling by contemporary moral entrepreneurs, and colonial officials pursued suspicions of homosexual activity with fascinated horror, this study has argued that they offer a further important aspect of the understanding of male convict experience. Gender relations have been an area of particular importance in the recent historiography of female convicts, and while this study has benefitted from the insights of these works, it is significant that such writing has tended to leave male prisoners as an unexplored or even essentialised category, reinforcing ideas of undifferentiated and universal male oppression. As with transported female convicts, however, male prisoners' sexuality was an area of state and employer discipline. It can be firmly argued, therefore, that

the pursuance of personal relationships, both heterosexual and homosexual, was an expression of convict autonomy, that challenged the categorising and controlling vision of authority. It has also been shown that male prisoners' sexuality could form a terrible weapon in their conflict with their masters. It was a weapon, however, that placed its users outside the bounds of convict moral economy as well as that of their employers, so failed to constitute a mode of resistance. Convict child rapists were universally deplored. The exploration of these formerly unremarked areas of male experience offers important insights into convict society.

This study has re-embodied the hitherto invisible body of male convict assigned rural labour. The contours of convict experience that have been revealed demonstrate the tension that surrounded the relation of master and servant in the colony, and indicate the means by which the masters' power was contested and resisted. The rural plenitude and social stability suggested by John Glover's *My Harvest Home* was illusory; his work projected the discursive vision of landed colonial society, and sought to obscure the harsh realities of political and social conflict and the part played by assigned convicts themselves in the realisation of their own history. It has been the intention of this thesis to highlight this agency, which resists the reductionism of conventional interpretations of male convict history, as equally as it resists the limited representation of Glover's work.

## Appendix: Nicholas-Shergold Skill Classification

The following categories were used in the breakdown of occupational skills of male convicts arriving in Van Diemen's Land in chapter two. This system was adopted in order to allow for a fair comparison with the data in S. Nicholas' study. The categories reproduced here are derived from K. Corcoran and S. Nicholas, "Convicts transported to New South Wales, 1817-40", in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's Convict Past* (Cambridge: Cambridge University Press, 1989), pp. 223-24. Not all trades listed below were represented in this study.

Skill 1 (Urban unskilled): All work, cleaner, drifter, factory apprentice, factory labourer, gypsy, grave digger, hawker, labourer, newsboy, porter, road labourer, shoeboy, sweep, tarboy, vermin destroyer.

Skill 2 (Rural unskilled): Dairy hand, farm labourer, farm servant, limeburner, slave.

Skill 3 (Construction skilled or semi-skilled): Bricklayer, brickmaker, building operator, carpenter, glazier, mason, painter, paperhanger, plasterer, plumber, sawyer, slater, stone cutter, thatcher.

Skill 4 (Manufacturing or transport skilled or semi-skilled): Anchorsmith, baker, barber, bargeman, bellowsmaker, blackingmaker, blacksmith, blindmaker, boatbuilder, boatman, boilermaker, boneworker, bookbinder, bootmaker, boxmaker, brassdresser, brassfounder, brassmoulder, brazier, brewer, brushmaker, bucklemaker, butcher, buttonmaker, cabinetmaker, calender, canalman, caneworker, cardmaker, carpet manufacturer, carpet weaver, carrier, chainmaker, chemist, clothmaker, clothshearer, coachman, coalminer, colorman, combmaker, compositor, confectioner, cooper, copper manufacturer, coppersmith, corkcutter, corn miller, cotton carder, cotton cutter, cotton dresser, cotton dyer, cotton manufacturer, cotton piecer, cotton spinner, cotton weaver, currier, cutlerymaker, distiller, dresser, dresmaker, driver, driver, dry salter, sawyer, embroiderer, engine driver, engineer, engine maker, engraver, filemaker, fireman, fishing equipment maker, fitter, flagger, furniture maker, games equipment maker, gas fitter, gilder, glassblower, glass setter, glover, gluemaker, goldbeater, goldsmith, gunpowder maker, gunsmith, hatter, instrument maker, iron founder, irongoods maker, iron moulder, iron refiner, iron roller, iron stamper, jabber, jeweller, knitter, lace manufacturer, lace weaver, lamplighter, lamp maker, lapidary, leather goods maker, linen maker, locksmith, machinery maker, maltster, manufacturer, map maker, matmaker, messenger, metal goods manufacturer, milliner, millwright, miner, mineral water maker, mouldmaker, musical instrument maker, nailmaker, nautical instrument maker, needlemaker, netmaker, optical goods maker, optician, ornament maker, overseer, paint maker, papermaker, paperstainer, patternmaker, pavior, pencil maker, pewterer, piecer, pilot, pipemaker, polisher, potter, pressmaker, printer, quarrier, quilldresser, reedmaker, ribbonweaver, rigger, riveter, ropemaker, ropespinner, saddlemaker, sailmaker, sailmaker, sawmaker, screwmaker, seamstress, shipsmaster, shipsteward, shipwright, silkdresser, silkdyer, silk manufacturer, silkspinner, silkweaver, silversmith, skinner, smith, smith apprentice, snuffermaker, soapmaker, spinner, spinplater, springmaker, stablekeeper, stableman, steel pen maker, stockingmaker,

sugar refiner, swordmaker, tailor, tanner, tapeweaver, tendermaker, textile equipment maker, tobacco maker, tollman, toolmaker, toymaker, trunkmaker, umbrella maker, upholsterer, viceman, warehouseman, watchmaker, water motion man, weaver, wighing maching maker, wellsinker, wheelwright, whitesmith, wire frame maker, wood carver, wood turner, wool carder, wool sorter, wool spinner, wool stapler.

Skill 5 (Rural Skilled): Cowkeeper, dairy producer, drover, farm bailiff, farmer, farrier, fencemaker, fisherman, gamekeeper, gardener, herdsman, horsebreaker, hurdlemaker, knacker/castrator, landed proprietor, nurseryman, ploughman, reaper, shearer, woodman.

Skill 6 (Retail): Bookseller, cereal dealer, cheesemonger, clothier, draper, druggist, fishmonger, greengrocer, grocer, haberdasher, ironmonger, livestock dealer, milkseller, pawnbroker, poulterer, publican, salesman, shopkeeper, shopman, slopseller, spirit dealer, tallow chandler, tobacconist, wine dealer, wood dealer.

Skill 7 (Services): Exciseman, marine, navy officer, officer, sailor, seaman, soldier.

Skill 8 (Professional): Accountant, actuary, architect, artist, auctioneer, bailiff, broker, clerk, journalist, law clerk, lawyer, medical student, merchant, musician, performer, physician, policeman, schoolmaster, sportsman, student, surveyor, teacher, veterinary surgeon.

Skill 9 (Domestic and service): Bar attendant, butler, chambermaid, coachman, cook, general servant, governess, groom, housekeeper, housemaid, kitchenhand, laundress, laundrymaid, nurse, nursemaid, valet, waiter.

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